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ABSTRACT

This paper provides an overview of events and issues in school desegregation that have significant impact on teachers and teacher associations. The displacement of black teachers as a result of desegregation prior to 1972 is assessed. Various court decisions in 1972-73 and the passage of the Emergency School Aid Act are cited as marking a turning point in the era of teacher displacement. Current policy and enforcement issues that affect the role of teachers and their associations in desegregation policy and planning at the local, state, and national levels are reviewed. Suggestions are also provided to assist teachers and teacher associations in more effectively planning for school desegregation. Areas covered include: (1) contracts, negotiations, and agreements: (2) faculty desegregation: and (3) inservice education. Organizational strategies are outlined regarding the assessment of desegregation needs, community relations, policy statements, utilization of technical information, and planning. The protection of teacher and student rights, the maintenance of quality education, and the provision of equal opportunity are discussed in relation to the implementation of school desegregation plans. (Author/APM)

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PLANNING FOR AND IMPLEMENTING EFFECTIVE SCHOOL DESEGREGATION: THE ROLE OF TEACHER ASSOCIATIONS

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FOREWORD

Less than a half dozen people in the Nation could describe with such authority and compassion, as Boyd Bosma has done in this monograph, the impact of the desegregation process on teachers and their associations. Boyd's restraint in writing this monograph is admirable. His descriptions of many events about which he has strong feelings are objective while compassionate. This is commendable considering that Boyd has been part of most of this saga, especially those events that took place after 1968. That year, Boyd resigned his job teaching language arts and social studies in a Detroit suburb and gave up his newly won seat on the NEA Board of Directors to devote his time fully to the struggle for civil and human rights in education as a member of the staff of the NEA Center for Human Relations.

As coordinator of civil liberties and intergroup relations for the NEA Center, Boyd served as a consultant to state and local affiliates of the NEA. He also worked closely with the HEW Civil Rights Office, the Civil Rights Division and Community Relations Service of the Department of Justice, the League of United Latin American Citizens, the National Association for the Advancement of Colored People, the National Urban League, the Southern Christian Leadership Conference, the American Friends Service Committee, the Washington Research Project, the American Civil Liberties Union, and others. He has had the opportunity to see the inner workings of agencies, associations, and civil rights groups.

Boyd's introduction to the civil rights movement predated his 1968 move to the NEA. His first involvement came when he chaired a Michigan Education Association (MEA) fundraising project for the benefit of children in freedom schools in Prince Edward County, Virginia. Boyd traveled through Georgia, Alabama, and Mississippi at the height of the voter registration marches, and was lucky enough to get out with some narrow escapes. From that point on, there was no turning back. He was anything but the average suburban teacher of the restless decade of the late fifties and early sixties. He helped to organize human relations activities in his own MEA Region, as well as the first State Association Human Relations Commission for the MEA.

In 1963, he was a delegate to the NEA convention in Detroit, and joined with other nonestablishment black and white teachers who formed a group later called the National Committee of Educators for Human Rights (NCEHR). By 1964, the NCEHR had become the most important influence within the NEA for integration and for civil and human rights in education. At the NEA convention in Seattle in 1964, Boyd was a primary actor when the NCEHR scored in its first major victory: the passage of Resolution 12 that banned race as a criterion for membership in NEA affiliates and directed the eventual merger of formerly separate associations in the South.

Surprisingly perhaps for a person who has been so intimately involved in the major battles over desegregation for so long, Boyd is optimistic about the future of desegregation in America. He sincerely believes that education associations can prevail in many instances where lawyers, judges, school boards, and central administrators have failed to rise to the challenge of desegregation.

For association leaders whose districts are in litigation or under a voluntary plan, this monograph should be necessary reading. It offers a number of specific suggestions on which teacher organizations could build a viable support system to enhance quality integrated education. Boyd suggests that teachers have only two choices: to be

a part of the problem, or to be a part of the solution. To withdraw or to avoid positive leadership is to invite disaster. He points out that appropriate targets for association concerns are numerous: equity in the teacher transfer plan and in hiring; inservice preparation for teachers, administrators, parents, and community leaders; protection of student rights; access to academic and extracurricular programs for the transferring students; and acceptance of parents of transferring students in the advisory and governance opportunities at the school. Associations should also be concerned about bilingual education and about sexist and racist materials and curriculum.

However, teacher associations run a terrible risk, in my opinion, when they involve themselves, without exception, in all facets of desegregation plans. Associations should be concerned about what happens to the child at the *end* of the walk or at the *end* of the bus ride, not about how the child gets there. The teacher association should *not* become involved in such issues as the pupil transfer plan, the student percentages in each school, and the mode of transportation, no matter how bad a particular plan may seem to be. As many people will be *against* the judge's plan or HEW's plan or the school board's plan. This is an area in which the parents, the school, and the agencies of government must fight out the details. Energy spent in trying to reach consensus within the association, or agreement between the association and the public, could be more effectively used on matters where such understanding is more easily reached. Dr. Wade Wilson, chairperson of the NEA Task Force on Human Rights, says, "It is not necessary for a person at a ball to dance every number." In other words, every association or every person does not have to take a position on every issue. As a matter of group survival, it may be necessary for teachers to express their opinions on such issues through civil, social, political, and other organizations to which they belong.

My only criticism of this much needed and very useful monograph is that Boyd discusses too briefly some issues that merit fuller treatment. Some readers may disagree with some of the positions advocated in this monograph. I urge that it be read carefully. Boyd's experiences in nearly all aspects of civil and human rights in education give him perspectives about the quality of life in our public schools that are not often shared by others. His observations and recommendations merit close attention.

Samuel B. Ethridge
Assistant to the Executive Director
National Education Association

INTRODUCTORY NOTE

School desegregation has been in the forefront of the national consciousness for 25 years. It has been a source of joy, frustration, and pain at almost every level of our population, with millions of dollars spent and endless hours of work expended both to effect the peaceful transition to integrated schools and to oppose that process.

Millions of words have been written about the integration process, largely by academicians and other researchers attempting to make sense of the problems and to aid the efforts. Among those numerous books, articles, and monographs, however, there has been little said about the vital role of the teacher organizations that give leadership to their members.

More important than the absence of reporting about teachers and their organizations is the cause that underlies that virtual silence: teachers are more often than not ignored by those who are struggling with the problems. It has been left to the teachers and their organizations to find their own roles, to insert themselves where they have not been invited. But, of course, where people are not invited they do not always venture. It is not surprising, then, that in many cities undergoing desegregation the teachers and teacher associations have been mute.

There are good reasons why teachers and their organizations have not taken a more active role than they have to date. They are, for the most part, alienated from their systems because they are seldom included in decisionmaking. In fact, teachers are relegated to keeping their place in their classrooms, with little or no encouragement for participation in any of the larger processes of the school or the system. But, both as teachers in the classrooms in desegregated schools and as participants in the process of desegregating faculties as well, teachers not only play an enormous role in the successful desegregation of the schools but also bear the burden of disruptions in their own lives.

This monograph is Boyd Bosma's effort to support the efforts of those teachers and their organizations who feel locked out of this dramatic social change that is taking place in our Nation and who are looking for guidance to take their rightful role. The monograph is also addressed to those community and educational leaders who look to teachers and their organizations for assistance in effecting school desegregation. Many people engaged in efforts to gain desegregation and to ensure a peaceful transition realize that they can profit from the assistance of teachers and their organizations, but they are unable to make the gears mesh to accomplish that alliance. Also, many teachers wanting to reach out and help feel ignored and alienated.

To provide assistance to teachers, their organizations, and their potential allies in school desegregation, this monograph first provides an historical portrait of school desegregation as it has affected teachers and teacher associations. The monograph next looks at some current issues in the desegregation process. And finally, it presents some strategies that will contribute to the successful integration of the Nation's schools.

Florence Hamlish Levinsohn, Editor

ACKNOWLEDGMENTS

There is simply no way to adequately express appreciation to all those who have contributed to the completion of this project. Teachers in virtually every section of the country, Federal agency officials, state leaders, and national organization representatives, including the staff of the National Education Association, have been willing to provide information and materials that have been invaluable to me in putting together this monograph on the role of teachers and their associations in school desegregation.

There is also no way to tell the full story in a single volume; the great mass of data remains largely untouched. Experiences gained from working with teachers, with civil rights activists, with national groups and agencies for more than 15 years have given me personal enrichment and satisfaction that are unmatched. The greatest reward from participation in the struggle for equal opportunity in education has come from the opportunity to work with truly human and dedicated people. All of them have affected the preparation of this work.

Although I cannot possibly list the hundreds of people to whom I am indebted, a few individuals deserve special recognition. Without Amos Isaac, this project would have been impossible: his personal support and encouragement have been inestimable. Sam Ethridge has made contributions that are unmatched in this field, and his assistance has been especially valuable. Don Shire and Christine Kirk have each given special help. Ramon MacFarlane of the Ohio Education Association has been particularly helpful in demonstrating the value of state education association efforts in desegregation. Finally, my wife, Madeline Duran Bosma, and my children deserve thanks for their forbearance while I worked on this project.

I am especially indebted to the NEA, which granted me leave to take on this task. It should be noted here, however, that any statements made are my personal views, based upon my experiences and involvement, and do not necessarily represent the official policies of the NEA or other teacher organizations unless specifically stated.

Boyd Bosma

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1. INTRODUCTION

Since 1954, school desegregation has been in the forefront of national consciousness. Local, state, and national policies and political structures have been affected. Occasionally, violence has erupted. Millions of dollars and untold efforts have been expended. New code words and symbols have come into our language.

The welfare and future of children in all groups in our society have been affected by events related to school desegregation, sometimes positively and sometimes negatively, depending on the course of events in specific localities and the perception of the observer. This is true also for teacher associations and teachers, whose preparation for, participation in, and support of efforts to extend desegregation and eliminate the remaining vestiges of discrimination are direct determinants of the success or failure of efforts to meet student needs in desegregated settings.

In spite of their importance, teachers in many communities have had little opportunity to participate in or provide input to influence decisions that have a significant impact on their maintaining effective learning climates in their classrooms. In community debates over busing and student assignment plans, teachers often are treated as a special interest group when opinions are voiced regarding the efficacy of one plan over another. Lawyers for both parent plaintiffs and defendant school boards tend to respond to the most immediate political and legal issues of desegregation, often overlooking issues that relate to educational quality within desegregated classrooms. Parents, frustrated by delays and obstructions placed by school boards and administrators, tend to misunderstand the real nature of the decisionmaking process, and teachers often become scapegoats for the faults of undemocratic and unresponsive school systems. Overall, the costs of desegregation have been enormously high for teachers, who almost universally bear unfair and disproportionate shares of the burden of change.

Despite these problems, most teacher associations and their members have long supported the goals of school desegregation, and there are countless examples of individual teachers and teacher groups that have moved courageously and affirmatively in helping to desegregate public school systems. The most successful examples of peaceful and effective desegregation have occurred in communities and school districts where the quality of dialogue and participation has been enhanced for all groups directly affected by and concerned with the educational process. The opposite condition almost invariably has characterized those situations in which conflict among adults has dominated the struggle to achieve even minimal compliance with desegregation laws.[1]

Teachers and teacher associations are a critical link to making the law work, not only with regard to the decisions and actions leading to desegregation implementation, but with regard to such significant concerns as student discipline, community coalitions and support processes, school/community relations, conflict prevention and crisis intervention, curriculum innovation, cultural and linguistic relevance, interpersonal and intergroup understanding, and the protection of fundamental civil and human rights of students and educators.

The desegregation experience offers new and significant opportunities for school system reform and for the introduction of innovative processes. *If* the conditions necessary for providing quality, integrated education can be adequately understood, *if* achievement of those conditions can receive adequate support from key actors and

decisionmakers in school communities, *if* school systems can be made more open to the full involvement and participation of their constituent groups, including teachers and teacher associations, and *if* the courts and Federal and state authorities do not renege on their legal and constitutional obligations to such a degree that effective change is no longer possible, then no greater opportunity for the improvement of American education exists than that provided by the continuation of the national momentum toward desegregation and the integration of our schools.

Unfortunately, school leadership structures, like those of other social institutions, can become self-perpetuating and resistant to change as they adhere to goals and practices of previous generations. Sometimes this occurs when teachers and teacher associations forget their responsibilities as they attempt to maintain the support of the more affluent and influential groups within the community. In such cases, those within the system are often as incapable of recognizing their arbitrary roles as they are unaware of their own victimization by discriminatory and arbitrary practices and procedures. Such situations usually remain static until the intervention of influential groups within the system or outside creates an awareness of the need for change.

When the abdication of responsibility by school officials results in blocking or slowing the momentum for change, teacher associations have sometimes been able to assist their communities in coming to grips with the real problems and conditions necessary to bring about their resolution. And when teacher associations play such vital roles, they earn the respect and approval of other groups whose support can be helpful in improving the conditions of teaching and learning.

Many teacher associations have acted affirmatively through their organizational strength to improve their educational systems and remove discriminatory conditions, thereby enhancing their leadership role within their communities.[2] In turn, in those few cases where teacher groups have chosen to ignore or actively oppose progress toward desegregation, the results can be seen in continuing conflicts and polarization within the school and the community, in pervasive problems with student discipline and disruption, in high numbers and differential rates of suspensions, expulsions, and dropouts, in poor teacher and student morale, and in lower achievement rates.[3]

During the past decade, an extensive literature on school desegregation has emerged owing to the efforts of scholars in academic settings, court decisions, lawyers, and civil rights activists.[4] A major element missing in this literature has been the substantive assessment and reporting of the role of teachers and teacher associations in this process.

Most school desegregation efforts since 1954 have centered on the elimination of student racial and ethnic isolation and of those discriminatory practices that have accompanied segregated education. Only occasionally has the impact of school desegregation on teachers and other school personnel come to national attention, despite the importance of teacher assignment and recruitment practices, inservice education, and school personnel policies to the success or failure of school desegregation plans.

The lack of adequate attention to the role of teachers and teacher associations in school desegregation continues to characterize many current desegregation efforts, even while the courts, Federal and state agencies, school districts, and private litigants have shifted from one position to another with regard to the attainment of student desegregation. Virtually every student desegregation plan since 1954 has been accompanied by substantial faculty desegregation. And in most instances, there have been highly disproportionate effects on minority teachers—in the South, through dismissals and demotions, and elsewhere in transfers and reassignments resulting in the disruption of programs.

Specific references and, in some cases, extensive documentation are available with regard to desegregation issues. And various works by Chesler,[5] Noar,[6] and others[7] have dealt with specific aspects of the role of teachers in desegregation and integration planning. However, there is presently no single source of information that at-

tempts to examine the overall impact of teachers and teacher associations on desegregation and integration in their communities and the Nation and that can be used by teacher leaders, desegregation planners, attorneys, Federal officials, and nonprofit organizations concerned with the formulation and implementation of effective school desegregation and integration plans. This monograph attempts to bring together experiences gained in organizational efforts and in institutional settings that may be useful for others as they attempt to help schools become more responsive. To this end, this monograph:

- Provides a brief overview of selected events and issues in past school desegregation that have had significant impact on teachers and teacher associations.
- Reviews a number of current policy and enforcement issues that significantly affect the role of teachers and teacher associations in desegregation planning and policy formulation at the local, state, and national levels.
- Provides suggestions that can assist teachers and teacher associations to be more effective in their own planning for school desegregation, especially with regard to the conduct of efforts leading to better protection of teacher and student rights, the maintenance of good schools and quality education, and the provision of equal educational opportunity as predictable results of the implementation of school desegregation plans.

Space and time limitations and the complexity and controversial nature of many of the issues under consideration prevent exhaustive discussion of some aspects of specific problems, but it is hoped that this document will serve as a useful beginning resource in examining organizational issues and strategies to enable teachers, students, and parents to achieve the most satisfactory experiences possible in school desegregation situations.

2. TEACHER ASSOCIATIONS AND DESEGREGATION: AN HISTORICAL CONTEXT

The developing roles of teacher associations in school desegregation can best be understood in the context of the treatment of minority teachers in American public schools from the early days of slavery to the 1954 Supreme Court decision in *Brown v. Board of Education of Topeka et al.*[8] and the developments affecting teachers in desegregating schools from 1954 to 1972, when desegregation became a truly national issue.

Although abolitionists and church groups, most notably the Quakers, struggled to gain universal public education, the early attempts to provide schooling for the children of slaves and freedmen met with harassment and violence. Many plantation owners found it convenient to educate some slave children for tasks and occupations such as accounting and carpentry, but this was mostly to further the economic self-sufficiency of the plantation. Most of the teachers of the slave and freedmen's children who did receive some education were white. But surprising numbers of blacks also achieved levels of education that enabled them to teach, and black teachers could be found in all parts of the Nation.

The earliest record of a duly constituted group of black teachers was in Springfield, Ohio, in 1861. It was designated "The First Annual Meeting of the Colored Teachers Association." Twenty-three members were listed, of whom 11 were women. The sessions were held in a church (presumably a black church), and they generally began with singing and sometimes with prayer.[9]

Following emancipation, a corps of black teachers with a few devoted white northerners was emerging to teach in the public schools that had begun during Reconstruction. Lonely and frustrated, these teachers from small towns and villages across the Southern States began to organize teacher associations. White teacher organizations had been formed in the South in the 1850's, and by 1877, the teachers of black students (themselves both black and white) founded the first state organization of black teachers in Kentucky. By 1904, there was a National Association of Teachers in Colored Schools (later known as the American Teachers Association, which merged with the National Education Association in 1966). These associations, and others like them, provided an important voice for black educators until, following desegregation, they merged with the predominantly white education associations in their states.[10]

The history of American education faced a critical challenge on May 17, 1954, when the Supreme Court set forth its ruling in *Brown v. Board of Education*,[11] known as *Brown I. Brown I* overruled the separate but equal distinctions of *Plessy v. Ferguson*,[12] as they had applied since 1896, in holding that racially separate public school facilities are inherently unequal and constitute a denial of equal protection of the laws to blacks as a class. In the 1955 implementation decision, *Brown II*, the Court ordered local school authorities to make a prompt and reasonable start toward full compliance with *Brown I* in order that admission to public schools without consideration of race could proceed with *all deliberate speed*.[13]

Brown I came as a major shock to the Nation, but even more so to the southerners for whom legal segregation was the way of the world. Many districts (such as Louisville) in the Border States with small numbers of black students and teachers moved promptly to open up attendance and to institute at least minimal levels of desegregation. In other parts of the South, where black populations

were larger, the dual systems were harder to dislodge.[14]

DISPLACEMENT: KEY IMPACT OF DESEGREGATION ON BLACK TEACHERS

In the earliest days following *Brown,* the impact of the decision on black teachers and principals remained hidden. But as desegregation enforcement gained momentum, so too did such discriminatory practices as the demotion and dismissal of black teachers and principals. This was compounded by the national trend toward school consolidation.[15]

It is expensive to maintain teachers in small, inefficient schools with small or irregularly sized classes, even when other expenses are kept down. Since the major costs of education are always instructional, mostly to pay teacher salaries, savings could be realized simply by increasing and standardizing class size in new, larger schools and by reducing the numbers of teachers. Further, black teachers at that time frequently had higher average salaries because of having higher educational qualifications and greater seniority than their white counterparts. Thus, consolidations and closings of former black schools offered unique opportunities to dismiss the higher paid black teachers as white administrators sought to economize and to appease their white constituents.[16]

School administrators also argued that teachers had been employed to teach in specific schools and that they had no employment rights in the school district.[17] The courts failed to take action, permitting wholesale terminations of black teachers and principals.

With national attention focused primarily on student desegregation, and in the absence of legal precedents protecting black educators, relatively few (aside from those directly involved) noticed what was happening to the black teachers and principals who suddenly found themselves displaced. So long as there was a shortage of teachers nationally, and so long as relatively few schools were desegregated, displaced teachers and principals could find jobs in other school districts. For this reason, and from fear of reprisal, very few filed complaints.[18]

Nevertheless, the impact on those displaced individuals was severe. Homes were lost, and people were forced to leave family and friends in communities where they had lived and enjoyed relatively high prestige for years. In addition, many were forced to accept lower wages or otherwise less desirable positions.[19] These losses were also felt by local communities, where the black educators had represented the pinnacle of educational achievement, community leadership, and professional status. J.C. James effectively summarized the impact of the elimination of the black principals on their communities and on the region:

> The Negro principal has been important in the past for the position of authority and responsibility which he occupied in the system of "Negro Education" in the South. With the passing of that system, it would appear from the record that he is threatened with extinction, and the implications of this are startlingly grave for Negro leadership capability in the years to come. Since the best Negro minds have traditionally gone into education, it remains the greatest single reservoir of talent and skills so necessary to the changing South, and the deliberate destruction of this valuable resource is one of the tragedies of our time.[20]

No accurate figures are available from any source for the total number of educators actually dismissed for racially discriminatory reasons during the desegregation of Southern schools. Most figures simply never came to light. Many teachers and principals failed to report their cases for a number of reasons, including a fear of harassment or intimidation in local communities, a fear of reprisal by white administrators or of their refusal to provide a good recommendation for employment in other school districts, hope of transfer to other positions (which sometimes were higher paying but without effective authority or responsibility), lack of awareness of possible sources of

assistance, and discouragement because of the lack of response from Federal authorities or the excessive time and expense (including costs incurred during the period of unemployment) necessary to prosecute successful appeals.[21]

Reaction of Teacher Associations

In 1965, the National Education Association called together concerned agency and organizational officials and brought national attention to the growing displacement problem through a landmark study of teacher displacement in the 17 states originally subject to *Brown*. The 1965 *Report of the Task Force Survey of Teacher Displacement in Seventeen States* (conducted under the auspices of the NEA and the Office of Education), coordinated by Sam Ethridge and Robert L. Cousins, reported on interviews with 480 of the 721 teachers displaced or downgraded from May through September 1965.[22]

In addition to reporting on unfair and discriminatory dismissals, misassignments, loss of status and salary, unethical practices by administrators, and arbitrary and unreasonable terminations, the study identified 95 teachers unable to find reemployment. These teachers seemed to fall into one or more of three general categories: (1) those who had been active in the civil rights movement; (2) those who had 15 or more years of experience; and (3) married women whose family ties kept them from seeking employment elsewhere.[23]

Although leadership in both white and black education associations in the South ultimately supported faculty integration and sponsored conferences in all of the states, reactions of teacher organization leaders (in other parts of the country) to the prospect of teacher transfers for desegregation purposes were mixed. The predominantly black teacher associations correctly predicted reduction of membership and loss of support as one-way transfers of black teachers to white schools occurred.

Most northern teacher groups initially were unaffected by the prospect of mandatory transfers because of the small numbers of minority teachers in many parts of the North and the general state of white isolation in most schools. However, many of the leaders of northern urban associations had aligned themselves with the liberal forces in the internal NEA struggles over the merger between the southern affiliates, school desegregation, and human rights issues, and they actively sought ways to support meaningful desegregation implementation.[24]

Resort to the Courts

One of the major approaches to arresting the tide of dismissals and demotions was through resort to the courts. Although not totally successful as a deterrent, legal action did result in a number of unprecedented victories and in the establishment of standards governing some of the policies and practices of local districts, the states, and the Federal Government.

The filing of litigation, however, was an expensive and inefficient process. It was not surprising that many black educators had little faith in the judicial process and that legal actions became most effective when accompanied by political and organizational strategies. Since individual school administrators and school board members were rarely, if ever, made personally accountable for the acts of discrimination against students or teachers, the primary effects of litigation strategies were seen as deterrents to improper actions.

Significant Early Cases. Until 1966, there were no significant legal precedents establishing the rights of dismissed black teachers. In that year, the NEA and the Virginia Teachers Association won a favorable ruling on behalf of seven black teachers when their schools were closed in *Franklin v. Giles County*.[25]

Perhaps the most significant case for the NEA in the history of teacher displacement was *Johnson v. Branch*,[26] also in 1966, which concerned a Halifax County, North Carolina, teacher dismissed for civil rights activity. When Willa Johnson was awarded a $20,000 settlement, the case had widespread repercussions. It was tried not so much as a civil rights case as on first amendment rights. The case led to protection of

constitutional rights for all teachers, not just black teachers. It was one of the many first and fourteenth amendment cases that the NEA pursued.

Dozens of additional cases were filed across the South by the NEA, the Justice Department, and the NAACP Legal Defense Fund. The "Jefferson Decree" in 1967 provided for the first time that while race was not to be a factor in hiring, assignment, promotion, demotion, or dismissal of teachers and other professional staff members (including student teachers), it might be taken into account in order to counteract or correct the effect of segregated assignment of faculty and staff in the dual school system.[27]

The Supreme Court in 1968 upheld a Tennessee ruling to the effect that faculty desegregation cannot be left to the free choice of the teachers, but rather the board must exercise its authority in making faculty assignments so as to assist in "bringing to fruition the benefits of school desegregation."[28]

In Alabama, teacher displacement was reduced significantly after a 1968 ruling in *Lee v. Macon*:[29] a three-judge court ordered 76 districts to change their dual systems and to close certain schools so "that all teachers assigned to the schools or grades being closed be absorbed by transfer to other public schools within the system."

By the 1970's, administrators began, in dismissal cases, to develop extensive dossiers, including minute records of alleged infractions and apparent strict conformity to the standards of due process (e.g., statement of cause, advance notice, opportunity for appeal, and access to assistance and advice). Teachers were often assigned out of their subject areas or grade level experiences to positions for which they were not legally certified or for which they had inadequate experience, with dismissals following later on the basis of alleged incompetency or unsatisfactory job performance. Two letters were received by this writer within the same week in 1970 from two teachers in two districts. Both letterwriters complained of being assigned to teach high school German while their subject matter specialty, certification, and experience were in music.[30]

The Singleton Case: 1969. The establishment of a single standard in the assignment, dismissal, and demotion of teachers and other personnel in the implementation of desegregation finally came in a Mississippi case, *Singleton v. Jackson,*[31] in 1969.

Although *Singleton* did not stop all staff reductions in desegregating districts, the order provided an effective defense against the massive dismissals and demotions of black teachers and principals by requiring "objective" and "reasonable" standards:

> If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in the dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable nondiscriminatory standards from among all the staff of the school district. In addition, if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so....Prior to such a reduction, the school board will develop or require the development of nonracial objective criteria to be used in selecting the staff member who is to be dismissed or demoted....[32]

Singleton also assisted by clarifying standards for the elimination of racial identifiability of schools on the basis of faculty assignment.

The so-called "Singleton Ratio" is still applied in cases across the Nation, with the language of the order remaining current:

> (T)he district shall assign the staff...so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to teachers and other staff, respectively, in the entire school system.[33]

Despite the advances that the Singleton Ratio made over earlier rulings, it failed to clarify a number of crucial issues. For example, some problems developed as a result of *Singleton's* implied acceptance of reduction of staff following desegregation and the requirement of objective criteria for dismissals or demotions. After *Singleton* was adopted, many districts began to evaluate black teachers for the first time in their history. One case was reported in which black teachers were evaluated six times in the same week. New concern arose over language differences, and some professors from the white university systems earned substantial consultant fees by conducting or supervising evaluations that would permit the districts to dismiss black teachers in the name of the objective standards under *Singleton.*[34]

Another development, which paralleled *Singleton,* gave Federal agencies another tool for use in countering teacher displacements. A new policy on "Nondiscrimination in Elementary and Secondary School Staffing Practices" was distributed on January 14, 1971, as a memorandum by the HEW Office for Civil Rights Director J. Stanley Pottinger.[35] This policy was issued after nearly 2 years of negotiations between the NEA and J. Stanley Pottinger and his predecessor, Leon Panetta.[36] The policy provided the first effective tool in handling employment problems in desegregation under Title VI of the Civil Rights Act of 1964, and marked the first time Federal policy referred directly to the maintenance of racial or ethnic composition of school faculties. Following the passage of the Emergency School Aid Act (ESAA) in 1972, regulations went even further in requiring the retention of all minority teachers, not just those past victims of discriminatory actions, when school policies, practices, and procedures led to significant differences in the rates of staff reductions.[37]

Impact of the National Teacher Examination

One of the issues discussed by the 1965 NEA study of teacher displacement was the use of the National Teacher Examination (NTE) in Florida as a device in the dismissal of black teachers.[38] Certification and employment requirements based on NTE scores were also put in force in South Carolina, North Carolina, and Texas. Sales of the National Teacher Examination climbed to about 120,000 per year as cutoff scores and test requirements were adopted in newly desegregating districts in Mississippi and Louisiana, the last of the states in the Deep South to be affected by enforcement.

Perhaps no single device caused as much damage as the NTE in its effects on the employment and certification of black educators in the South. Given the appearance of objectivity in the reporting of NTE scores, administrators were able to claim that dismissals were unrelated to discrimination. The use of the NTE acquired special significance because it presented the most convenient means for legitimizing the black teacher dismissals in the guise of objectivity. The first attempt to challenge the misuse of the NTE was in Florida in 1966. After the newly merged Florida Education Association filed suit on behalf of 108 dismissed teachers, the state legislature agreed to revoke state test score requirements, and the suit was abandoned.[39]

The first successful court challenge of the NTE was in Louisiana, where 84 of 85 black teachers in West Feliciana Parish successfully boycotted the administration of the test while appeals were being carried out.[40] When the teachers stayed away during the three administrations of the NTE, the district was left with no objective grounds under *Singleton* for the projected dismissal of 27 teachers. Subsequent cases in local districts in Mississippi, South Carolina, and Virginia have generally established the standard that the NTE is inappropriate for use with teachers in service, particularly if intentionally discriminatory employment policies can be demonstrated. Favorable rulings in cases brought by the Justice Department and the NEA in North Carolina[41] and South Carolina[42] against state certification requirements based on NTE scores were set aside by a three-judge court early in 1971. The Supreme Court upheld the South Carolina verdict in 1978.[43]

THE TURNING POINT IN THE ERA OF DISPLACEMENT: 1972-73

In reviewing the historical events of this period, it seems clear that the turning point in the history of the massive displacements of black educators and students was seen by 1972-73, as the effects of prior and current events became more evident.[44]

- The number of overt dismissals and demotions of black teachers and principals was reduced sharply as a result of victories in the courts, the achievement of desegregation in most southern districts, and improved enforcement of desegregation legislation by the HEW Office for Civil Rights.
- Passage of the Emergency School Aid Act in 1972 and adoption of the ESAA regulations in February 1973 provided more effective penalties and incentives as a result of the rules relating to displacement of minority staff. ESAA also provided more effective guidelines relating to the elimination of other forms of discrimination in schools and offered specific financial incentives to school districts in the provision of support for inservice education, human relations, and new models for teacher, parent, and student involvement in the desegregation process.
- The landmark ruling in *Keyes v. School District No. 1, Denver*[45] established desegregation as an issue for the entire Nation and provided new legal guidelines for dealing with systematic forms of discrimination and the elimination of desegregation in the North and West.
- Judge Pratt's historic 1973 decision in *Adams v. Richardson*[46] set new mandates for action by HEW to resolve continuing complaints of discrimination and segregation in the South. The "Adams Decision" also resulted eventually in stronger enforcement activities in northern segregation and discrimination, and in a number of collateral areas of exclusion in education (including sex discrimination, language discrimination, and discrimination against the handicapped).
- The issue of sex discrimination in education took on new significance following the adoption of Title IX of the Higher Education Amendments of 1972, and public employees, including teachers, acquired new statutory protections against discrimination in employment with the passage of the 1972 amendments to the Civil Rights Act of 1964.
- The role of Chicanos in school desegregation in the Southwest acquired new significance. Support for programs of bilingual/bicultural education increased, and desegregation plans in Austin, Dallas, Corpus Christi, and other cities were seen to provide for extensive mixing of blacks and Chicanos in the name of desegregation, while excusing many whites from reassignment.

Although most of the major problems in the struggle to provide desegregated education in our schools had by no means been solved, and many major new ones were only beginning, the period from 1972 to 1973 represented a major turning point in the types of desegregation problems needing attention and the role of the Federal Government and the courts in its progress. The movement of school desegregation from the South to other regions of the Nation was a development of gigantic proportions; whatever the outcome, education in the United States would never be the same.

3. SELECTED FACTORS IN SCHOOL DESEGREGATION AFFECTING TEACHER ASSOCIATIONS

As indicated in section 2, the events surrounding desegregation in the first decade or so following *Brown* made teacher displacement the most compelling issue facing black teacher associations. However, these associations were concerned with more than displacement. There were and still remain many complex problems regarding desegregation that can have an impact on teacher associations, although at first glance they may not appear directly related to teachers. These issues relate to voluntary and involuntary desegregation plans, magnet schools, metropolitan desegregation, pluralism and multiculturalism, bilingual and bicultural education, Federal civil rights data collection and reporting, developments in affirmative action, student rights (including student due process rights, testing, tracking and grouping, and student pushouts), and resegregation.

To discuss the full spectrum of such issues in this monograph would not be possible. Therefore, the following discussion is limited to those factors that should be of most immediate concern to teacher associations when their school districts desegregate; namely:

- Contracts, negotiations, and agreements, which can provide a framework for dealing with the various contingencies of desegregation and thereby ease the process;
- Faculty desegregation, without which desegregation can be neither complete nor successful;
- Inservice education, which can foster a sense of involvement by all teachers in the desegregation process.

CONTRACTS, NEGOTIATIONS, AND AGREEMENTS

Perceptive teacher leaders involved in desegregation will want to move early to develop plans to deal with issues that will require negotiation with the school board or the administration. Part of the homework to be done includes listening to the concerns of the community and of students, as well as being aware of legal regulations and their potential impact on negotiations. Frustration and dissatisfaction among teachers, students, and persons in the community can be the unhappy consequences of leaving things to chance or of not making preparations in time and in tune with other events in desegregation.

With California having become the most recent of the larger states to enact compulsory negotiations legislation,[47] most urban school systems undergoing desegregation will have already adopted master contracts between teacher associations and boards of education.[48] Even in states without compulsory collective bargaining laws, such as Texas and Arizona, teacher groups should have some process for formal communications and the equivalent of a master contract to enunciate basic relationships and teaching conditions in the system.

Although master contracts between the association and the board of education receive the greatest attention in negotiations activity, many other types of communications occur between teachers and administrators in the day-to-day operation of the schools. And in actual practice, many significant areas of school policy and practice are left outside the scope of the contract or are

included only in general terms. Teachers need to look at the whole range of potential agreements that can enhance their role in protecting teacher and student rights and in implementing association policy on desegregation.

Some available tools are contract supplements or amendments to existing provisions and memorandums of understanding on specific issues within the scope of the master contract. These instruments usually are signed by the association and the administration, and they do not require action by the school board. In addition, ad hoc agreements not requiring formal written statements or joint signature may cover temporary conditions or problems that do not require revision of major policies.

The master contract, in addition to establishing wages, hours, and conditions of employment, should state policy for a number of areas that have immediate effects on the implementation of desegregation plans and on relationships among groups in the system. Commonly included in such agreements are:

- Statements of compliance with laws against discrimination on the basis of age, race, ethnic group, sex, religion, and other criteria.
- Procedures for protecting the due process rights of teachers and students and for protecting teacher employment rights.
- Procedures for voluntary and involuntary assignment, reassignment, and transfer of teachers.
- Statements regarding teacher seniority rights within buildings, departments or grade levels, and the district, and the rights of teachers assigned to state and federally funded programs.
- Procedures for the provision of bilingual/bicultural education and statements of the special rights of bilingual staff.
- Procedures for resolving problems, including grievance processing in teacher complaints, mediation, and arbitration.
- Procedures for recruitment, employment, and promotion, including affirmative action programs for the employment and promotion of minorities and women.
- Procedures for the provision of inservice education programs, including district subsidies and/or sponsorship of graduate education courses.

The wording of contract clauses will vary from district to district, and all of these provisions will not be found in all contracts. The inclusion of language on these issues, however, may be important at the time the district moves to desegregate. Complacency when good contracts have been negotiated can be dangerous, and contracts should be read and reread to ensure that no item in the contract violates the constitutional rights of any student, teacher, or other person in the system. Teacher organizations can be sued along with school boards when they negotiate agreements that violate laws against discrimination.[49]

Contracts should also be reviewed to ensure that their language is sufficiently flexible to permit response to unforeseen contingencies and situations in which rigid or restrictive language would limit options. Further, the contract language should not deter innovative approaches in developing new programs, relationships, and processes as desegregation progresses and new priorities are identified. Finally, the contract should facilitate the development of supplementary clauses or other agreements that are not in conflict with the master contract, when necessary.

It must be emphasized that no master contract will provide guidelines for all of the contingencies that can arise once the desegregation process has begun, but it should provide a framework for the development of alternative approaches that can ease the process. If disruption occurs, for example, there must be an opportunity to develop more appropriate approaches than "law and order" solutions in discipline.

Channels must also be developed for dealing with the frustrations of those who become angered in dealing with bureaucratic, unresponsive systems. It is at this point that it is important to use more flexible, informal types of agreements to

meet changing needs. For example, a special committee to facilitate the resolution of problems related to teacher transfer often can work efficiently within the terms of the contract while avoiding the cost, frustration, and delays associated with imposing formal grievance procedures.

Teachers need to know where they fit into the overall scheme of things and why, and they need to be aware of the rules and resources available to them as desegregation is implemented. The presence of an orderly negotiations procedure in itself will help to maintain a climate in which teachers can be assured that their association is looking out for their needs and that progress is being made to resolve doubts and anxieties.

FACULTY DESEGREGATION

Teacher Transfer and Reassignment

Teacher transfer and reassignment present perhaps the most sensitive problem for teacher organizations in desegregating school districts. On the one hand, properly negotiated transfer and reassignment policies can provide a firm basis for protecting teacher rights at the same time that provisions are being made to provide an effective desegregated experience as the result of the availability of teachers from different groups in all schools in a system. If things work well, the groundwork will be laid for improving school climates and working relationships and for equalizing educational opportunities for many years.

On the other hand, the implementation of teacher transfer policies can offer an opportunity for the administration, the board, or others to weaken the negotiated contract or promote conflict among teachers for their own political or organizational purposes. Thus, the association must maintain a strong and clear posture of advocacy for its members while helping them become more effective in working for protection of teacher and student rights, quality education, and equal educational opportunity.

Transfer and reassignment clauses in negotiated contracts usually are written to provide due process for individual teachers being moved for arbitrary or punitive reasons. They are not written with faculty desegregation in mind. The addition of racial and ethnic considerations, minimum and maximum ratios, and mandatory standards for compliance with law or court orders makes the process even more sensitive. Opportunities for misunderstanding, manipulation, and even demagoguery are greater when such major change is taking place, and racist uses of code terms such as "forced transfer," "quotas," and "reverse discrimination" can make it difficult to bring about rational understanding.

It is unrealistic to pretend that involuntary transfers can be averted when faculty desegregation is imminent, but fair treatment should be insisted on for all teachers based on procedures that include objective standards for transfer and reassignment.

Some school boards and administrators have deliberately provoked teacher strikes and divisions among teachers by mishandling the transfer issue and by sudden reduction in force at the time of desegregation. One example of an ill-conceived transfer plan was seen in Los Angeles in 1976, when the administration imposed a lottery plan over the vehement objections of the United Teachers of Los Angeles, rather than negotiating a reasonable and systematic process that would provide for both voluntary and involuntary transfers. The plan also included an escape clause for building principals that permitted them discretion in retaining proportions of teachers selected for transfer through the lottery, and thereby further exacerbated an already serious faculty morale problem.[50]

Sometimes, administrators will impose arbitrary transfer and reassignment plans in the belief that action taken from their offices will be more efficient and less productive of conflict. Although they mean well, such paternalistic notions of administration can lead directly to conflict and confrontation that could be averted if they were to make decisions on the basis of adequate prior consultation and negotiations with the people most affected.

The Davenport Plan: Constructive Resolution. One example of a constructive resolution of such a situation was in Davenport, Iowa, in 1976, where guidelines for voluntary and involuntary faculty transfers were developed that might be useful for consideration in many other districts. The "Davenport Plan" states:

Consistent with the Board resolution, all actions involving teacher assignment and transfer will be in accord with the following principles:

1. Each school's faculty should be balanced with respect to teaching experience and academic qualifications.

2. The solicitation of voluntary qualified teacher transfers and the filling of all vacancies hereafter rising shall commence immediately.

3. No involuntary transfers will be made before the completion of the present school year, in order to avoid disruption of teacher-student relationships; to the extent, however, that the filling of vacancies, voluntary transfers, and the assignment of teachers presently absent on leave, have not succeeded in meeting the requirements of the program by the end of the present school year, involuntary transfers will be made at that time.

4. Future transfers by teachers will not be permitted if they will have the effect of causing a significant deviation from the norm in the minority-majority teacher ratio in any school.

The basic guidelines for implementing the Board resolution are as follows:

1. Every attempt will be made to accomplish the transfers on a voluntary basis by June 1, 1976.

a. All teachers will be given the opportunity to indicate their preference, thereby giving the district the opportunity to try and meet the desires of staff who will be transferred.

b. First preference will be given to transfers necessary to improve faculty racial or ethnic balance in the affected schools.

c. Second preference will be given to persons volunteering for transfer, subject to availability of positions in the district school(s).

2. If the minority isolation of the teaching staff is not corrected by June 1, 1976, the administration will make whatever involuntary transfers are necessary to correct the isolation prior to August 24, 1976.

a. The determination of persons subject to involuntary transfer will be based on seniority as defined in the negotiated Master Contract.

b. Any voluntary or involuntary transfers will be made consistent with the procedures established in the negotiated Master Contract.

c. Schools in which the percentage of minority teachers exceeds 11 percent will be required to transfer minority teachers to another school in the district that has a percentage of teachers less than 11 percent.

d. No teacher will be transferred to a position for which he or she is not qualified.

e. Qualifications of teachers being transferred will be considered when making any reassignments so that the availability of equal educational opportunities will be as nearly as possible the same in all schools.

f. Transfers will be made to vacant positions that exist on June 1 (K-6, Junior High, Senior High).

g. If no vacancies exist on June 1, 1976, a survey of the staff will be made to

determine seniority. This will enable the administration to identify the positions to which individual staff members may be involuntarily transferred.

h. Teachers transferred for purposes of improving faculty balance will have first consideration to return to their prior assignments should future vacancies occur.

3. No reassignment of any certificated staff person for purpose of this program will be accompanied by any loss of compensation.

a. Teachers being transferred will suffer no loss of pay as a result of changes in supplementary assignments.

b. The administration is making a recommendation to the Board that no teacher transferred will suffer a financial loss relating to a federal loan as a result of the transfer.[51]

Examples of Nonconstructive Resolution. Not all situations involving faculty desegregation, transfer, and reassignment have been resolved as successfully as that in Davenport. Reluctance by administrators and school boards to admit to inadequacies in past practices for teacher transfer often makes it difficult for teacher associations and community groups to get realistic discussions around the issues until after a court order has been finalized or a district has committed itself to comply with a state or Federal mandate.

A former superintendent in a southwestern public school system, for example, seeking to hold off desegregation until after his retirement, responded to a request from the local teacher association for informal discussions on inservice training by sending the message, "Nobody in the administration would care to discuss with anybody from the [teacher association] anything whatsoever to do with desegregation."[52]

The superintendent in Fort Wayne, Indiana, upon receiving an HEW letter on discrimination in faculty assignments, apparently failed to inform even his own board members and administrative staff.[53] In Youngstown, Ohio, the board responded to an association proposal for prompt action and cooperation on guidelines for faculty desegregation as follows:

1. In view of the pending court order, the Board does not choose to place itself in the position of admission to liability prior to Judge Conte's legal finding. The Board acknowledges racial imbalance in Youngstown Public Schools in both the student populations of various school buildings and in the teaching faculties assigned to those buildings; however, the Board makes no admission that said imbalances are attributable to and perpetuated by actions of the Board of Education which have been carried out with intent of malice and forethought.

2. The Board is keenly aware of the racial imbalance of its teaching faculty and has made a conscious effort to increase the number of minority faculty members hired by the district. The obstacle to such hiring practices is not a dearth of qualified minority teachers, but a dearth of minority teachers qualified to teach the subject areas in which vacancies occur in the district.

3. The Board recognizes that correcting the racial imbalance is the "fair thing, the moral thing, the Christian thing" to do. Even if contrary to all other findings in the state of Ohio, the judge's order should exempt the school district of all liability, the Board would not be opposed to addressing the problem; however, to address that problem prior to the issuance of the court order would severely compromise the district's legal position.[54]

This inconsistent position, unfortunately, is not at all uncommon. The school boards seem to be saying:

We know what's right; we want to do what's right; but we can't do what's right because

we are being sued for not doing what's right; therefore we can't talk to anybody until the court has found us guilty or not guilty of not doing what's right; to take action now to do what's right would compromise our legal position for not doing what's right.

In many districts, when complaints about segregation or discrimination have been filed, the attitude seems to be that nothing should be done to resolve the conditions that led to the complaints in case somebody will then think that the district is guilty of what it has been doing all along. Minor problems become compounded because of official resistance and refusal to initiate corrections, and the discrimination and inequities become worse than before. Paralysis of leadership in the face of criticism in a multitude of districts has intensified discrimination and alienation to a far greater degree than would have resulted had officials reacted with more speed when the issues arose.

The consequences of such abdication of leadership are seen in pervasive hostilities, white flight, and resegregation when desegregation mandates finally are implemented. Teacher associations and community groups, rather than acceding to such practices, must be prepared to move boldly to get their school districts to confront reality if the orderly processes of education are not to be destroyed, even if the decision to take such action is painful or controversial.

NEA Guidelines for Teacher Transfer and Reassignment. The NEA's *School Desegregation Guidelines for Local and State Education Associations*[55] have been useful in dealing with issues of teacher transfer and reassignment in desegregation. These guidelines suggest that:

1. The local association should be given the opportunity to take an effective part, preferably through collective bargaining, in making decisions affecting recruitment processes, assignment of school staff, evaluation procedures, voluntary transfers, and employment rights and benefits.

2. Cooperative efforts by community representatives, parents, and teachers should be pursued in developing and implementing policies affecting teacher recruitment, assignment, promotion, demotion, transfer, and dismissal.

3. Unfair and arbitrary tests, such as the National Teacher Examination, should under no circumstances be used as standards for certification, recruitment, assignment, promotion, transfer, or dismissal of teachers or other education personnel.

4. Voluntary transfers, including transfer within schools, should be permitted and encouraged to the extent possible so that involuntary actions will be reduced to their absolute minimum.

5. Objective standards should be cooperatively established for protection of the rights of ethnic-minority members, equitable faculty distribution in all schools and administrative staffs, and fairness of transfer actions affecting individuals and groups of educators.

6. Any necessary involuntary transfers of teachers should be based as much as possible on seniority; that is, those with the least seniority should be the first available for transfer or reassignment. However, to ensure educational continuity in each school affected by necessary transfers, a nucleus of the strongest staff members of all racial and ethnic-minority groups, and particularly those with the best relationships with students, parents, and communities, should be retained.

7. Teachers who are reassigned should be encouraged by the local association to accept the assignment. Any teacher refusing reassignment should be permitted to resign without prejudice to future employment elsewhere. Special procedures consistent with negotiated grievance policies should be provided to expedite complaints of discrimination, contract violations, or unusual hardship at the time of reassignment.

8. Teachers should be transferred with partners or teams from one school to another to assist in an orderly transition and to prevent feelings of isolation and alienation among those transferred.

9. Certificated teachers assigned to state or federally funded programs that will end upon termination of the funding should have contractual and employment rights equal to those in regular programs, with provisions for teachers to maintain their status. In the event such programs are discontinued, they should have the right to return to their appropriate areas of certification.

Seniority As a Criterion in Faculty Desegregation

The use of seniority as a primary criterion in determining teacher transfers in faculty desegregation has occasionally been criticized because of the unequal impact that sometimes results when it is improperly applied. The AFT,[56] the NEA,[57] and most employee organizations inside and outside education have some form of policy endorsing seniority in layoffs and reductions in force.

There are a number of reasons, in addition to the usual union philosophies, for the use of seniority for staff transfers in desegregation. Teacher associations, community groups, and school districts should have some understanding as to why seniority is recommended.

Why Seniority? The general lack of job security for teachers and principals in the South was related, in part, to the lack of tenure and collective bargaining, but in desegregation situations even more to the acceptance by Federal officials of reductions in staff positions when schools were closed as desegregation was implemented. Although the *Singleton* order continued to countenance reductions in staff during and after desegregation, the idea was finally accepted by Federal officials that subjective, arbitrary decisions on staff actions (including transfers and reassignments, as well as dismissals and demotions), as a consequence of desegregation compliance, were not permissible on constitutional grounds.

In the negotiations that led to the January 14, 1971, memorandum on treatment of minority teachers and staff in desegregation, NEA staff took the position that only three truly objective forms of criteria could be identified: (1) the degree of education, including graduate hours, and certification; (2) the number of years of teaching experience; and (3) the number of years spent in the position, the particular school building, or the school district.[58] The NTE was rejected out of hand because of its arbitrary and subjective uses, as were proposals by some officials that the academic reputation of the certifying teacher education institution be counted as an objective criterion. The only other alternative that could have been considered objective was the establishment of proportional ratios for dismissing or demoting white and black educators, and most southern districts were not ready for that.

Seniority as a criterion worked best in the South because minority teachers historically had been hired nearly in proportion to minority students. And although patterns might have varied from district to district, the use of seniority as a primary criterion in staff decisions was of great value in convincing courts that objective, nonracial criteria acceptable under *Singleton* had been established. In particular, the use of seniority as a criterion in transfers, reassignments, dismissals, and demotions in the context of desegregation offered (and still offers, in the cases of involuntary transfer and reassignment) the following advantages:

- The use of subjective and arbitrary criteria in such actions could be reduced.
- Administrators and school boards might be discouraged more readily from instituting evaluation devices that were not openly racist in intent, but that were highly discriminatory in their use.
- Teacher morale would be helped if teachers understood the basis for action taken and could compare their standing on the seniority criterion with that of other teachers.
- Predictions could be made more easily as to which schools and teachers were most likely to be affected, permitting better advance planning by school officials and teachers alike.

- Because the seniority criterion was objective, it would be easier to appeal violations in practice.
- Both favoritism and punitive decisions in personnel actions could be avoided to a greater extent.
- Having objective information available to them to explain and understand the reasons for decisions, teachers would be more accepting of desegregation, would plan more effectively, and would be more productive in desegregated classrooms.[59]

No other criterion offered these advantages.

As the massive displacements began to ease in the 1970's, experiences in districts in the North as well as in the South justified the continuing use of seniority as a primary criterion in transfers and reassignments. Northern city school districts escaped none of the favoritism or discrimination that was present in the South, and arbitrary, subjective personnel actions, taken in the absence of truly objective criteria, offered the potential for even more mischief, considering the high degree of alienation and impersonalization in many large city school districts.

In the South, teachers had sometimes been assigned out of their field, and similar abuses began to occur in the North. Reassignment of teachers to federally funded programs carried with it a number of abuses, both in the North and South, including the isolation of teachers viewed as "troublemakers" because of their union or association activities.[60]

In other districts, both in the North and South, building principals were asked to identify teachers on their staffs for transfer. They could hardly be expected to place the names of close friends or their strongest teachers on the reassignment lists. They were more likely to try to get rid of teachers with problems or individual teachers whose philosophies differed from their own.[61]

The potential for arbitrary and inequitable transfer procedures made it clear that the use of objective criteria, especially seniority in transfer and reassignment, would be as important in maintaining staff morale and fairness as they had been with dismissals and demotions during the period of displacement.

Considerations in Application of Seniority. The use of seniority as a criterion creates few problems, but its application without taking some special factors into consideration can sometimes be harmful.

In most cities that have desegregated, the proportion of minority educators has been substantially lower than the proportion of whites. As a result of the application of the *Singleton* standard of proportional assignment of minority teachers in each building in a district, and because minority teachers tend to be concentrated in minority schools, the average minority teacher is much more likely to be affected than is the average white teacher.[62]

The loss of significant numbers of experienced minority teachers, which occurs even when seniority is used, can cripple the continuity of educational programs in schools where minority students remain segregated, and bilingual/bicultural programs can be even more seriously affected because of the small numbers of Spanish-speaking teachers. The loss of these able minority teachers is compounded when the seniority provisions result in the transfer into those schools of new and inexperienced white teachers.

Alert teacher association leaders, enlightened administrators, and conscientious Federal officials in the Education and Justice Departments have sought to devise policies and proposals for faculty desegregation that retain objective criteria, including seniority, as a basis for transfers and reassignments, while trying to provide for substantial equity for staffs in all schools in terms of experience, educational credentials, and other qualifications. Rigid seniority plans make attainment of equity more difficult, but the concepts are not mutually exclusive.

Many agreements provide that equalization in experience and qualifications be attained to the degree possible by matching voluntary transfers,

by placement of teachers returning from leave, and by matching new hires on the basis of experience and qualifications. Placement of new minority teachers in formerly predominantly white schools reduces the need for involuntary transfers of both minority and white teachers, and many teacher groups have pushed affirmative action plans, in part for that reason.

Some associations and districts have established "layered seniority" plans where quotas are established for transferring personnel within seniority groupings (1 to 5 years of experience, 6 to 10 years, etc.). The United Teachers of Los Angeles devised a proposal[63] that excluded staff members who had reached their 60th birthday and probationary or permanent teachers in their first 5 years at school.

Use of Seniority in RIF Situations. In recent years, reductions in student populations and ensuing reductions in force (RIFs) in teaching staffs have had devastating effects on minority teachers hired during the late 1960's and early 1970's.[64] When disproportionate numbers of minorities are "RIFed" or dismissed, the district's affirmative action efforts are hampered, and the teachers face extra hardships if they have moved to the district from other localities. Nonminority teachers are justifiably upset, however, when they see themselves singled out for dismissal in place of minorities with less seniority.

Teacher associations are often caught in the middle of such controversies. Their support for affirmative action and expansion of minority staff is in direct contradiction to their need to retain seniority as an objective standard in reductions in force. In addition, state tenure provisions sometimes require seniority provisions in RIF situations, and pressures will be strong to retain the integrity of the legislation.

The association faced with such a situation has a dilemma. To support seniority as an absolute condition may mean disproportionate dismissals of minority teachers and disruption of desegregation and affirmative action plans, and may as well anger the minority teachers who will feel abandoned. To insist on retention of minorities at the expense of white jobs will cause a rebellion on the other side.

Perhaps the courts will provide further clarification of district requirements in such cases in future years. At present, there are only two alternative positions that offer some attractiveness compared to either positions of strict seniority or minority preference: (1) *separate seniority lists,* with proportional reductions of minorities and nonminorities when RIFs become necessary; and (2) *retention of all teachers,* minority and nonminority.[65] The first of these has the advantage of implied concession of the legitimacy of staff reductions, although the principles of seniority are retained. A further advantage of this alternative is that it acknowledges the existence of past wrongs for which some type of special protection and compensation is needed. The second offers some advantages from a teacher association standpoint because the association can continue to support minority employment while defending nonminority positions and the integrity of seniority provisions in the contract and in tenure laws. The disadvantages lie in the lack of firm legal precedents and the difficulties arising when the board's arguments for budget reductions have been convincing.

Perhaps the most satisfactory court ruling with regard to RIFs in desegregating school districts came in 1972, in Kalamazoo, Michigan. District Judge Noel P. Fox enjoined the district from dismissing 103 teachers, noting:

> The evidence vividly elucidated the utility of black teachers, by simple virtue of their blackness, as role models for black children....The evidence further showed how the presence of black and white staff members sensitive to problems of communication between the races helps to free children's minds to learning by increasing their faith and confidence in the school as an institution and by diminishing the likelihood of racial tensions fostered by lack of understanding...
>
> Finally, the record established that white teachers and counselors have been recruited

> as individuals who possess a high degree of sensitivity to the concerns and needs of a heterogeneous student population. The loss of such personnel would similarly jeopardize the 14th Amendment secured rights of the plaintiffs in this action.[66]

Judge Fox then ordered the district to reinstate all teachers, minority and nonminority, and directed that funds be used from other programs, including those of the public library, to run the district before any teachers could be released.

The Application of Federal Standards in Teacher Desegregation

The most common test used to identify discriminatory faculty assignment practices is to look at the statistics to see if the assignment pattern for minority teachers follows the assignment pattern for minority students.[67] If such relationships are found, it is likely that the district has been illegally assigning teachers to schools on the basis of racial or ethnic identification. If the school district has applied for ESAA funds, the Office for Civil Rights is required to monitor the district's affidavit of compliance with the nondiscrimination regulations. And if such statistical imbalance is found, the district is required to correct the imbalance within the prescribed limits or be denied ESAA assistance. Since 1975, such determinations also trigger enforcement under Title VI of the Civil Rights Act of 1964.[68]

Discrimination in student assignments, unfortunately, is not as easily established. The Congress has placed considerable restrictions on Federal agencies in enforcement of student desegregation, particularly with respect to busing. In any case, student desegregation often entails much more community and political controversy. The result is that teachers are often desegregated long before the district moves effectively to end student segregation. Schools in the ghettos and barrios remain substantially segregated, while minority teachers are transferred away.[69]

When minority teachers in these schools are replaced by new or inexperienced white teachers, staff disruptions are compounded, the curriculum may become disorganized, and the education of students may suffer while they remain in largely segregated classrooms. The fault for this is not so much with OCR policy as with the Congress and the courts.[70] Antibusing legislation is impeding the development of nondiscriminatory and educationally sound desegregation plans, and recent Supreme Court rulings requiring onerous standards for proof of *intent,* even in the face of obviously discriminatory *effect* of official governmental actions at local and state levels, place some situations beyond the rule of logic. While desegregation has not been stopped, the implementation of teacher transfer plans outside the context of comprehensive plans for total school district commitment to elimination of racial and national origin isolation and discrimination defies reason.

Although it was necessary for southern black teacher associations and the NEA, in early years, to fight the dismissals and demotions that accompanied desegregation, it became clear that they could not, and should not, oppose reasonable and just reassignments and transfers to reduce faculty imbalance and bring about faculty desegregation.

Teacher association actions on transfers should be designed to bring about the least possible harm, together with the most possible good, for both students and teachers. It may be important here to restate briefly a few principles:[71]

- Teacher desegregation should continue, but in the context of comprehensive plans involving student educational welfare.
- Student desegregation should proceed in ways that reflect the best educational organization regardless of the numbers of students to be bused.
- The existence of discriminatory teacher assignment patterns, as defined by present law, should provide the basis for *de jure* determinations with respect to denial of educational opportunity to students on the basis of Title VI of the Civil Rights Act of 1964.
- Where there are substantial numbers of minority teachers and students, it is reasonable to provide for relatively equal proportions in each school as required in present

law, assuming that substantial student desegregation has occurred or is about to occur. If there are not substantial numbers of minority teachers, means should be found to recruit additional ones so that all students can have access to desegregated teaching staffs. If this is not possible, the ratio requirements should be revised so that the proportion of minority teachers, in substantially minority schools, can more closely approximate the proportions of minority students in those schools and that minority students are not totally deprived of minority role models in positions of authority. (However, it is important for nonminority students also to have minority persons as authority figures, so recruitment is essential.)

- In school districts where segregated white schools retain their identification as white schools because of inadequate numbers of minority teachers in the system, lack of assignment of minority students to those schools, or past practice of assignment of white teachers to schools with predominantly white student bodies, a determination of Title VI violations should occur. Districts should be required to: (1) employ substantial numbers of minority teachers to correct the discrimination; or (2) provide reassignment of white teachers away from those buildings (as is now done with minorities); or (3) establish firm agreements for goals and deadlines to meet affirmative action goals in the hiring of minority teachers so that the conditions of segregated and racially isolated education of white students in schools retaining racial identifiability will be eliminated.

If present practice defines schools with substantial minority student or teacher populations as segregated or racially isolated, then the same standards should be applied to schools with substantial proportions of nonminority students and teachers so that state and Federal enforcement standards can begin to apply equally on a truly nonracial basis.

Requirement of substantially equal proportions of minority and nonminority teachers in all schools helps to eliminate or reduce the racial or ethnic identifiability of individual schools. The standard was set in Alabama, when the Federal Court required that teachers be divided equally along racial lines in all schools in Montgomery County, and it was later refined in the *Singleton* case in Jackson, Mississippi.[72] The courts ultimately permitted minor deviations, now usually interpreted as requiring assignments of minority teachers in each building within plus or minus 5 percent of the proportion of minority teachers in the district as a whole.[73] Although the standard initially was intended to apply as well to other employment groups, such as principals, it now is common for teachers to be the only group affected. Teachers in special programs, such as bilingual/bicultural education centers, are usually excused from mandatory reassignment under these provisions.

In 1974, a number of cities lost ESAA funds after the courts ruled that "racially discriminatory teacher assignments must have 'ceased to exist' prior to any administrative waiver of ineligibility for benefits under the Act."[74] In other words, HEW could no longer approve ESAA grant programs in cities with racially discriminatory teacher assignment practices. Such districts were denied ESAA eligibility, but no further actions were undertaken.

The victories of civil rights groups in *Adams v. Richardson*[75] in 1972 and in *Brown v. Weinberger*[76] in 1975 led to requirements that the Office for Civil Rights fulfill its enforcement responsibilities on Title VI violations. The irony was that, until that time, many school districts had been denied ESAA funds only if they had discriminatory assignment practices; after 1975, the filing of an ESAA application by a district with such assignment practices not only led to monitoring by OCR, but to the initiation of Title VI enforcement procedures if violations were found. Districts suddenly found themselves faced with much larger potential losses, especially of Title I compensatory education programs. As a result, many districts moved to desegregate faculty, while continuing to stall on student desegregation, and HEW approved their actions.

INSERVICE EDUCATION

Desegregation can bring many changes, constructive or destructive, depending on the will, intent, and abilities of the participants. When desegregation is viewed narrowly, in terms of minimal compliance with the law or simply as the mixing of students or teachers from different groups, its results tend to be limited. When desegregation is understood to present new opportunities for improving the instructional program, for finding new directions in curriculum, and for building better relationships among students, teachers, and the community, the results can be seen from the enriched experiences of everyone in the schools.

Value of Inservice Education

Experience has demonstrated that when key groups, especially teachers and their associations, become involved in the change process, the results can be seen in improvement in student morale and achievement, higher teacher morale and effectiveness, the development of new, innovative, and responsive educational programs, and increased community support for schools and teachers.[77]

Inservice education is important in bringing about these changes. The provision of inservice education opportunities for teachers, as well as for parents, other school personnel, and students, can serve to:[78]

- Reduce fears, misunderstandings, and hostilities among members of different groups, permitting them to work together more effectively and to maximize learning in desegregated settings.
- Increase understanding of the issues, history, and roles of different groups.
- Improve understanding of technical information related to successful implementation of programs leading to desegregation and quality integrated education.
- Provide opportunities for teachers to share experiences and perceptions with each other and with students, parents, and community representatives in developing new and better relationships and in preparing cooperative strategies for improving educational opportunities.
- Encourage the development of cooperative teams to solve problems or to carry out new programs.
- Encourage the development of specific skills in teaching and working with students from different cultural and linguistic backgrounds.
- Assist in strategy development and planning for improvement of learning conditions and resolution of problems.

Desegregation inservice education, if handled properly, can create or foster a sense of ownership of the desegregation process and feelings of sharing in its success. Teachers who have a sense of control of their own destinies and of the programs for which they have major responsibility are likely to be more professional and supportive in their attitudes and activities in administering those programs.

Resistance to Administration-Run Programs

Teachers in many communities have learned to resist inservice programs, especially when imposed on them from above and outside. They view such programs as wasteful of their time and energies, unresponsive to their own needs and to the real problems they face in the classrooms, and disruptive to carrying out their already difficult daily teaching responsibilities. Many administration-run programs, including those conducted by teacher education institutions, assistance centers, and consultant groups, are seen as designed primarily to fulfill expectations that training take place without much real concern for the content or effect of the experience. The "sensitivity training" programs, so popular a few years ago, were viewed by many teachers as manipulative and dishonest. Other teachers rejected antiracism training as mere blame-placing exercises that did not help teachers to perform more effectively in their own lives and careers. Other programs seemed designed only for administrative convenience.

As a result, many teachers, even knowing the importance of inservice programs, resist and reject

district programs, such as the fall institutes provided by law in many states. When attendance at these programs is mandatory, the effects are even worse; open rebellion and resistance sometimes results, making the experience unpleasant even for teachers who had looked forward to the programs.

Relying on principal-run programs in individual schools is not much better. When Memphis desegregated several years ago, for example, initial responsibility for teacher inservice education was placed on building principals.[79] According to participants, the experiences varied with the leadership skills and attitudes of the principals. If principals were themselves resistant to desegregation, mandatory hours of inservice experience became almost totally counterproductive. Principals who operated effectively as instructional leaders, however, and who had enthusiam for the new experiences and opportunities accompanying desegregation, often developed useful programs.

Establishing Effective Inservice Education Programs

The examples provided above are not intended to suggest that inservice education cannot be worthwhile. Many school districts do provide excellent inservice programs. A wide variety of outstanding experiences in preparation for desegregation are available from many educational institutions, assistance centers, and private consulting groups.

Unfortunately, it sometimes happens that the preparations made are inadequate, desegregation orders come late, administrative priorities lie elsewhere, or the district decides to utilize its resources in training central administrative and building principals, rather than in undertaking the more substantial efforts needed to train teachers. And even when teacher training is given, it often involves only token numbers or selected groups, leaving large numbers of teachers feeling alienated, ignored, and ill-prepared for the new roles they are being told (not asked) to take. Sometimes, school districts provide token training for teachers in school buildings. This practice often requires the teachers to stay an extra hour or two in their school (at the end of a tiring day) for sets of exercises or speakers, either consultants or local administrators, who talk condescendingly to them or provide additional assignments that simply add to the stress already hampering their receptiveness to the changes taking place.

Further, because their livelihood, political support, or future consultant fees depend on the favorable evaluation of the superintendent, relatively few outside consultants, let alone facilitators provided from within the system, are willing to set a controversial training agenda. They avoid looking closely at issues of discrimination or teacher rights and at topics that permit teachers to engage in activities that might result in criticism from the administration.

Recognizing that the opportunity to deal with desegregation issues may determine the potential for constructing programs that respond to the real issues in the system, many local, state, and national teacher associations have organized their own inservice programs. Sponsorship of desegregation workshops, conferences, and seminars by local teacher associations, often with state or national staff assistance, offers a number of specific advantages:[80]

- Teachers will have genuine opportunities for participation in planning and carrying out inservice programs. They feel they have "ownership" of both the training and the followup activities, and they therefore are more likely to follow through on strategies and plans that they have developed themselves. Further, the strategies developed will be less dependent on administration approval for their success.
- Workshop topics and training agendas are likely to be more realistic and appropriate in terms of teachers' stated needs and perceptions, and will be less susceptible to political interference or restrictions by persons concerned about maintaining "safe" agendas.
- Teachers will be freer to develop alliances and cooperative relationships with parents, community groups, and students in working together to improve the entire school program, as well as to solve problems.

- Teachers will be freer to select their own consultants and leaders in training and action planning.

Any number of approaches, workshop designs, and training strategies are possible. It is not the purpose of this section to explore these, since numerous publications are available and training strategies will vary from group to group on the basis of needs and objectives identified by local participants. What seems to be most important is the degree of participation by those persons who will be most affected and the nature of the objectives they set out to accomplish.

Based on its experiences in working on desegregation conferences and workshops with hundreds of local teacher associations, the NEA has identified a number of inservice desegregation training objectives.[81] These are of four principal types:

- *Informational*—Sharing information that will help participants understand or deepen their understanding of the process, terms, and issues associated with desegregation and establishing a forum through which they can identify, diagnose, and analyze particular local problems and the key forces impacting on those problems.
- *Behavioral*—Developing an awareness of individual, group, and organizational behavior related to desegregation; providing an opportunity for participants to identify, explore, and modify language and behavioral patterns; giving participants experience in analyzing personal efforts to provide the best education for all students; and sensitizing members to some of their own behavior that contributes to or hinders solving group problems.
- *Communicative*—Allowing participants to share their thoughts and to listen to the concerns of others about controversial desegregation issues on a nonthreatening basis; exploring the problems created by a lack of communication and ways in which these might be resolved; and stimulating the group to analyze communication in solving a group problem.
- *Action-Oriented*—Allowing for practice in group decisionmaking in developing strategies for change and plans for action.

Teacher associations also often find it profitable to work with community and parent groups that have expressed a willingness or an interest in participating in training and workshop activities sponsored by the association, as well as in similar functions sponsored within the community. In many cases, nonprofit organizations receiving ESAA funds are anxious to use training to modify teacher behaviors that they perceive as inhibiting integration and equal opportunity. If they try to do so from outside, without the cooperation of teacher associations, they are likely to follow irrelevant agendas, to use teachers as scapegoats, and to develop even more resistance to appropriate behavioral change.

However, if teacher associations participate with community groups in such planning, it usually is possible to help the community better understand and sympathize with the problems faced by teachers. Consequently, moves toward more suitable approaches are feasible. Teacher associations will also be able to help provide the community with access to teachers on a more productive basis. Finally, such cooperation can help to enlist the support of the community in seeking constructive changes that will improve teaching and learning in the schools.

4. ORGANIZATIONAL STRATEGIES FOR TEACHER ASSOCIATIONS

Almost every decision made as desegregation is brought about has an impact on teachers, and through them, on the quality of education in desegregated classrooms. Once the classroom door is closed, the teacher becomes the powerful figure in desegregation.

But all too often teachers are ignored in the desegregation planning process or treated as though they have no legitimate interest in what happens in their schools and classrooms. Clearly, involvement by teachers is a key ingredient to successful desegregation. And just as clearly, concerned teachers cannot be content to wait for an invitation to become involved. They must take on this responsibility themselves.

Planning for and participating in desegregation activities by teachers can take several forms. As individuals, teachers can make their views on desegregation known through such informal activities as writing letters to the local newspaper or discussions in the classrooms, in the teachers' lounge, and with neighbors and friends. Teachers can influence desegregation activities through participation in school and district committees, as members of private groups and coalitions, or as members of official bodies established by the district, by the city or state, or by the local teacher association.

It is this latter form of participation—organized participation that permits planning for a logical sequence of events and the rational involvement of individuals and groups moving toward mutually desired ends—that is of primary concern in this monograph. The experiences of the NEA have shown that, where teacher groups have chosen to oppose or ignore desegregation, the results have been shown in increased devisiveness and polarization in the school and community, in discipline problems and in student and teacher morale problems, and in a general decline in educational quality. In those cases, however, where teacher associations have acted aggressively and affirmatively in the interest of positive goals, their leadership role has been enhanced and the respect and influence of teachers within their communities has increased.[82]

As members of associations, teachers can be actively involved in desegregation through such activities as:[83]

- Helping to determine teacher association policies and programs related to school desegregation and making these known by serving as members of or delegates to desegregation coalitions or monitoring committees.
- Negotiating with the administration or board on issues related to desegregation.
- Representing other teachers before building principals and other administrators when rights have been violated as a result of district desegregation, and following up with grievances, complaints, and legal suits, as appropriate.
- Taking an active role in specific school concerns, such as pupil transportation, school safety, and the appropriateness of learning materials and library resources to the desegregated setting.

Only through such wide-ranging involvement by teachers and teacher associations in desegregation planning and implementation will it be possible to ensure that all critical elements of the educational system are given consideration in the desegregation process.

Although the actual form of involvement of teacher associations in the desegregation process will vary from district to district, any association desiring to become actively involved must first establish a strategy. Among the key elements of any strategy are:

- Assessing the desegregation needs of teachers, students, parents, and others involved in the process.
- Developing statements enunciating association policy on desegregation activities.
- Identifying and using technical information on various aspects of the desegregation process and on those involved.
- Becoming actively involved in desegregation planning.
- Establishing cooperative community relations.

ASSESSING DESEGREGATION NEEDS

To develop an intelligent desegregation strategy, one first needs to know what the recipients of such a strategy are thinking. What are their perceptions of their own needs? How do they view the situation and their role in it? What do they think should be done? How should it be done?

These general perceptions can be translated into a number of specific and appropriate topics for a needs assessment, including:

- Perceptions of current or potential problems relating to the protection of teacher and/or student rights and the elimination of arbitrary or discriminatory conditions and practices in the schools.
- Perceptions of needed curriculum changes and/or revision of educational objectives.
- Perceptions of inservice education needs.
- Recommendations for standards and guidelines for such processes as teacher transfer and reassignment; involvement of teachers, parents, and students in planning and implementation; rumor control and dissemination of information; and teacher/administrator, teacher/student, teacher/parent, and teacher/teacher relationships in desegregated schools.
- Recommendations for teacher association programs and activities in individual buildings and across the system.

A formal survey offers probably the best means for undertaking a needs assessment. Such a survey can be conducted either by mail or telephone (either locally or across the district), in workshops or other kinds of meetings designed to elicit such information, or in hearings conducted by the association or other groups.

The wording of items on surveys and questionnaires should be considered carefully, if possible by someone with previous experience in conducting research. Teachers, for example, generally support school integration at about the same level as the general public, and when asked about busing their responses are also similar to those of the general public.

Leaders of one midwestern teacher association were faced with difficulties after members returned a disappointingly high percentage of negative responses on a busing question, with the highest proportion from all-white and all-black schools.[84] A decision was made not to release the results because their publication would have embarrassed the association leadership in their confrontation with the superintendent. This became almost disastrous when the confrontation intensified and the superintendent began making public remarks about the teacher leaders because they had not released the negative results. The situation was resolved and the leaders were vindicated after a new survey produced highly positive responses to a long list of desegregation-related questions. Had such a comprehensive questionnaire been used in the first place, the situation might have been avoided and the teacher leaders would have had usable information at a much earlier stage of their planning process.

Respondents to surveys or questionnaires should be advised about the potential uses of their

responses and whether the information will be made public. When possible, full results should be provided to teachers and other respondents. If information obtained turns out to be embarrassing, it is difficult to cover it up, and associations that withhold information find that it usually is revealed, especially if participants have anticipated release of the results.

DEVELOPING POLICY STATEMENTS

One of the first and most significant actions taken by a teacher association in anticipation of desegregation is the development of clear, consistent, and coherent policy statements that will form the basis for future decisions and action in response to desegregation issues and problems. Well-written policy statements, based on an adequate needs assessment, can serve a number of functions that will help keep the association on track in moving toward the achievement of its purposes. Among these are:

- To provide *clarification* of association positions on significant issues.
- To help maintain *consistency* in the activities and statements of the association and its leaders.
- To provide a basis for *explanation* of actions to members and the public.
- To give *authority* to persons working with or representing the association.
- To serve as *justification* for actions taken in support of association positions.
- To provide a basis for *evaluation* of association efforts.

A policy statement designed to achieve these functions will have the following characteristics:

- It will represent official action of the association, through its adoption by the membership or a body recognized as having the power to speak for the membership.
- It will be sufficiently comprehensive to cover all, or most of, the major concerns of the group relating to desegregation issues.
- Its adoption will be binding on officers and others authorized to speak for the membership until its expiration or revision.
- It will be basically concerned with positions on issues, rather than with directions or mandates to specific individuals or groups for action, though these may sometimes be included.
- It will be written in a form suitable for dissemination to members and to other interested individuals and groups.
- It will be basically responsive to significant issues or problems perceived by the membership and/or the association leaders.

Several types of policy statements can be adopted by associations, including resolutions by committees and task forces, executive committees, boards of directors, and representative assemblies; reports and recommendations of task forces and appointive groups; and position papers. Usually, the general membership should not have to vote on all issues of policy adoption, but any position statement should be written with the general purposes of the association and subject to referendum by the members. Clarification of actions taken on specific items of policy normally can be done by officers and leadership groups, such as the executive committee, board of directors, or other similar groups.

Some guidelines for the development of policy statements may be helpful:

1. Plans should be made to inform members before, during, and after the adoption of major policy statements. If members feel they have been left out or ignored, they may rebel against the leadership or work to sabotage the program.

2. Those deciding the policy should be responsive to concerns of the members of the groups. A policy calling for mandatory transfers of members would be unwise and unnecessary; a policy calling for action to reduce racial and ethnic imbalance on the basis of negotiated agreements with the association would likely receive strong support.

3. If general votes or referendums are necessary, the wording of proposed statements should avoid inflammatory or coded, symbolic language that will divide support for the position later.

4. Policy statements should not be so specific as to limit necessary flexibility in response to new conditions, but should not be so general as to lose their meaning.

5. Policy statements should be worded in such a way as to permit, or even require, action by the association and its bodies in their implementation, but without specifying definite actions to be taken, except in relatively broad terms.

The well-developed policy statement will be manifested in programs of the association—in negotiations, for example, or in programs of information to membership and the public, in legal action or grievance processing, in activities related to improvement of instruction and professional development, and in political action and legislative activities.

An association program dealing with desegregation issues will be ineffective if the only group concerned about its implementation is the association's desegregation task force or human relations committee. Coordination of program implementation or responsibility for the development of recommendations may be lodged in one group, but the other teacher organization subgroups must be equally involved in the formulation of desegregation planning policies.

Good, comprehensive policy statements on school desegregation have been adopted by hundreds of teacher organizations across the Nation. Many were adopted in the middle and later 1960's and are still appropriate today. Particularly effective have been the statements developed by Wichita, Kansas; Seattle, Washington; Flint, Michigan; Milwaukee, Wisconsin; and the Ohio Education Association. Resolutions adopted by the AFT and by the NEA can also serve as model policy statements.[85]

As an example of a policy statement for the desegregation of multiple districts, the NEA has suggested a number of minimum guidelines for consideration in both voluntary and involuntary student and teacher transfer plans.[86]

1. Any plan for multidistrict or metropolitan desegregation should protect teacher rights by including the following provisions:

a. Resolution of any problems of retirement, teacher tenure, and teacher contracts within existing laws.

b. Guarantees that no teacher will be laid off or dismissed during any period of adjustment, reassignment, or reorganization.

c. Guarantees that no new teacher will be hired or assigned to an area for which he or she is not fully certificated.

d. Guarantees that teachers will have fixed assignments, not uncertain or roving assignments.

e. Protection against the use of arbitrary evaluation procedures.

f. Retention of salary and economic fringe benefits, including pension rights, and other contract rights.

g. Clearly defined grievance and appeal procedures, to be in effect before and after any reassignment of staff.

h. Safeguards for continuity and consistency of work load and assignments throughout the affected districts.

i. Maintenance of local collective bargaining and union security clauses, including agency shop provisions, in order to assure teachers of their collective rights and representation during the period of reorganization.

j. Provision of inservice education and human relations and multiethnic training for teachers and other school personnel groups at school district expense.

2. The local associations involved, with the assistance of the state associations, should do the following:

a. Establish close working relationships and continuing communications with association leaders in all districts involved.

b. Sponsor programs promoting the development of relationships among teachers, students, and parents in the various communities through such means as student/teacher visitations and exchanges, joint meetings, and workshops.

c. Reassure members that the associations will continue to work for their best interests through negotiations and legal action as necessary at each step of the process.

d. Maintain a continuing information program to reduce misunderstandings and rumors, to enhance communications among all parties, and to ensure early and accurate dissemination of information.

e. Take steps to participate in desegregation suits involving the local school systems at the earliest possible stage of such litigation. Efforts should be made to assure that the ratio of ethnic minority staff shall reflect at least the ethnic minority proportion of the student population. Efforts should be made to employ ethnic minority educators in addition to those educators who reflect the dominant groups in the student population.

f. Notify authorities in all school districts involved that contract requirements must be observed and that any modifications of existing contract provisions, unless required by court order, must be negotiated by the association.

3. The state association, functioning in a coordinating capacity, should assist local associations in the same ways identified for desegregation of single school systems. In addition, the state association should do the following:

a. Evaluate conditions in areas which may in the future become involved in metropolitan desegregation, reorganization, or consolidation.

b. Develop, in cooperation with local association leaders, plans and programs for coping with the anticipated changes.

IDENTIFYING AND USING TECHNICAL INFORMATION

Strategy development by the local teacher association may fail when actions are taken without having accurate and sufficient information as a basis for planning. Technical information gives substance to the implementation of goals and objectives and to the purposes articulated in association policy statements.[87] More specifically, technical information can serve to:

- Provide a factual and accountable basis for identifying and solving desegregation problems and conflicts and for identifying additional resources and sources of assistance in dealing with these problems.
- Provide a base of knowledge that is useful to teacher leaders in conducting negotiations around desegregation policies and procedures, such as transfer and reassignment.
- Permit the association to make a realistic assessment of the probable impact of desegregation policies and procedures, based on knowledge of what is likely to happen within the range permitted by law.
- Provide a basis for setting affirmative action goals and timetables based on the identification of problems and patterns related to racial and national origin isolation; imbalances of assignments; evaluation of factors relating to alienation, pushouts, improper assignments to special classes, and disruptions; resegregation patterns; new patterns of discrimination; and employment and promotion patterns.

The types of information that are most useful in planning and carrying out desegregation programs include:[88]

- Student enrollment data by race and ethnic group (and sex, by school, if available).
- Teacher assignment data by race and ethnic group (and sex, by school).
- Student and teacher racial/ethnic data for comparable school districts and the state.
- School district reports on disciplinary actions, suspensions, expulsions, and assignments to special classes by race, ethnic group, and sex.
- Financial data such as costs of alternative desegregation plans; costs of school transportation for desegregation; funds available for desegregation assistance to the district (Title IV, ESAA, state funds); school district budget allocations for instructional and personnel costs; and costs of additional programs to be implemented in conjunction with desegregation (bilingual/bicultural programs, alteration of school facilities, programs for the physically impaired or to achieve Title IX compliance).
- Federal and state laws and regulations relating to desegregation implementation and elimination of discrimination, including Title I regulations; Title IV assistance programs (district, State, desegregation assistance centers, and desegregation institutes); Title VI regulations and desegregation guidelines; Title VII (ESAA) regulations and assistance programs, including grants to school districts, grants to nonprofit organizations and district advisory committees, and requirements for elimination of discrimination against students and staff. Also included are Title IX regulations on sex discrimination; *Lau* guidelines on language discrimination; Section 504 regulations on discrimination against the handicapped; additional laws and regulations relating to privacy rights of students (the Buckley Amendment), employment discrimination (EEOC), and others; and comparable state laws and regulations.
- Nature of complaints in pending desegregation situations; texts of court orders; and formal agreements governing district compliance.

Information about most or all of these items should be available from school district administrators. However, some districts refuse to release such information to teacher groups. And the accuracy of reports, particularly those containing statistical data, is often questionable.[89] Therefore, it may be desirable to obtain the needed information from other sources, thus avoiding having to notify the administration of the association's interests.

All of this information is available from a variety of private and public sources. The most prominent of the private sources are: state and national teacher associations; other local, state, and national organizations and coalitions; special study groups; lawyers and legal projects, including plaintiffs' attorneys, school district counsel, or teacher association attorneys on retainer; and the monitoring activities of teacher association members, parents, and students. The most prominent of the public sources are: local government agencies; the school district; state departments of education and other state agencies; desegregation assistance centers, universities, and special projects funded under local, state, and Federal programs; the Office for Civil Rights within the Department of Education, and its regional offices; the National Institute of Education Desegregation Studies staff; the Community Relations Service; the Civil Rights Division of the Department of Justice; and the Equal Employment Opportunity Commission.

PLANNING

If the needs assessment and policy statements have been handled properly, the transition to the planning stage can be carried out smoothly, leading to effective association action throughout the entire desegregation process.

The experience of teachers in a southwestern school district who developed a particularly effective planning process illustrates the key com-

ponents in developing local association strategies for successful integration.[90]

First, the organization embarked on an ambitious information-gathering effort, principally through meetings of the local association and officers, the association's human relations committee and its desegregation task force, an assistant superintendent from the district, and additional teachers and private citizens with information and ideas about desegregation needs. Meetings were also held with members of the Tri-Ethnic Committee, a court-appointed body of citizens responsible for monitoring desegregation progress and reporting to the court. As a result of this activity, the association was able to identify:

- A number of given circumstances about the current situation and events likely to take place after the court order to desegregate was received (e.g., the probable date for implementation of the court order, the approximate number of teachers to be transferred, and the number of students to be reassigned and bused to different schools).
- The primary actors in the desegregation process, and particularly those who opposed teacher involvement in the desegregation process and those who would have the most significant influence as blocking agents or potential allies of any association-initiated desegregation activities.

Second, armed with this information, the association was able to establish specific goals for its desegregation plan, encompassing such factors as the protection of teacher and student rights, effective parental support, public relations, and in-service training priorities. Third, the association established a number of committees, each focused on one or several of the identified goals.

As a result of this effort, the association had a firm basis on which to define the lines of action for its program, for activities in community relations and coalition building, and for inservice education, as well as the initial outline for an ESAA nonprofit organization proposal.

Although the steps and details will naturally vary from place to place, depending on local conditions, similar planning and strategy development can be undertaken by other teacher associations, by community groups, and by coalitions of groups.

ESTABLISHING COMMUNITY RELATIONS AND COALITION BUILDING

Parents and community organizations can play any number of roles—harmful or helpful—in the desegregation process. But most of them, with adequate information and opportunity for involvement, will support efforts to improve educational opportunities. Therefore, teacher planning for school desegregation would not be complete without utilizing the input and resources of parents and community groups. Further, classroom learning and teaching conditions would be constantly vulnerable to interference and disruption by persons with other agendas if teacher and community leaders did not join forces to share information and bring about constructive change.

Among the key roles that coalitions can play is in the dissemination of information to the community and active grassroots programming involving crisis prevention.[91] Shire suggests that:

> One of the most effective tools for broadening understanding between the teacher and the community remains the use of forums, conferences, position statements, panels, etc., in which the teacher organization can participate in the dissemination of information. This type of activity allows both a teacher position and perspective and a community perspective to be aired and discussed by all.[92]

There are many examples in which teachers have played a major role in bringing diverse elements of the community into cooperation when the school board and administration have failed to

take adequate action toward desegregation or equal educational opportunity. Likewise, the participation of teachers and their associations has permitted coalitions and programs, organized by other groups, to become more effective through the inclusion of teachers' knowledge and their associated prestige.

Coalition formulation involves a number of fundamental principles:[93]

- Prior to the first formal meeting, influential leaders or spokespersons should be convened in an informal setting to explore common concerns, develop initial agreement on purposes, and seek initial agreement on agendas in organizing the coalition.
- Ground rules should be clearly established and agreed on (as early as possible after the formation of the coalition) on such issues as: whether the coalition will be organized as a continuing or permanent body, or as an ad hoc activity to be dissolved after specific goals have been achieved; the size of the coalition and the procedures for admitting new members; whether positions will be adopted that will require or imply commitments by the member organizations; whether the coalition will speak for its member groups or as an independent, informal body, and the degree of authority of individual organization representatives in speaking for their constituencies; the need for financial contributions; procedures for communication among members and for releasing information to the public; meeting schedules and locations; and spokespersons and steering committees.
- There must be consistency within the organization in support of the overall purposes and courses of action agreed to where the organization's own behavior and statements of its spokespersons are concerned.
- The coalition must respond to clearly understood and accepted purposes, related to both the interests and purposes of the participating groups.
- Strategies and actions must have reasonable potential for success.
- Where participating groups within the coalition have differing purposes or difficulties in working with each other on a cooperative basis, agreements must be reached to resolve the differences or set them aside for the sake of progress toward a common goal.
- If groups or persons in the coalition have difficulty in working with others who are needed for achievement of purposes, these persons or groups should be prepared to defer their leadership role to better enable the development of working relationships. Bringing in resource persons from outside the community to moderate the first meeting or sessions on especially controversial issues may assist in overcoming differences, where local persons in the same role would not be successful.
- In circumstances where groups with similar motives and purposes compete for the same membership base or sources of support, coalition organizers should be sensitive in creating settings and agendas in which neither the physical location nor the roles of groups and individuals are likely to detract significantly from the development of cooperative relationships.
- In some circumstances, it may be desirable to arrange for rotating chairpersons and changing meeting places to facilitate cooperation, to develop common ownership of the coalition, and to reduce frictions and jealousies among groups.
- It is usually desirable to identify a relatively specific issue or concern, rather than attempting to take on every issue.

Each of these steps does not necessarily need to be handled, discussed, and negotiated formally; what is important is that coalition leaders take those actions necessary to help the group representatives work smoothly together in support of common goals. Sometimes a catalytic event will help in getting organizations to move, such as the filing of Title VI enforcement actions by the Department of Education, pending court orders, potential loss of ESAA or Title I funds, or specific occurrences (demonstrations, boycotts, or violent

incidents). Action agents need to be prepared to move quickly when such events occur so that the coalition can be organized while interest is high.

Successful desegregation coalitions have operated in scores of cities and have made substantial contributions to the achievement of peaceful and successful desegregation. Among recent examples of such successes are broad-based coalitions as well as coalitions working on specific tasks or issues in such communities as Detroit; Memphis; Prince George's County, Maryland; Louisville-Jefferson County, Kentucky; Cleveland; Omaha; Dayton; Milwaukee; Dallas; Wilmington; Kansas City; and Los Angeles.[94]

Many coalitions have been organized by church groups, some by the business community, and others by community organizations and teacher associations. At other times, coalitions have been organized by individuals whose primary concerns have been maintaining peaceful, safe school environments or assisting their communities to comply with the law as quickly as possible and with minimum disruption. In most of these coalitions, teacher associations and their representatives have played active and productive roles.

An example of a coalition supporting cooperative program efforts of nonprofit organizations both at the national and at local and regional levels was the National Center for Quality Integrated Education (NCQIE).[95] This coalition was administered under the organizational sponsorship of the National Conference of Christians and Jews. On the 27-member national committee, religious, social, youth-serving, civil rights, teacher, and other educator associations joined to provide an opportunity for member organizations to develop cooperative programs and activities on issues of quality integrated education.

The NCQIE played a major role in facilitating the development and support of continued efforts of local coalitions. The NCQIE served as a link between local and national counterparts of the participating organizations. Among the activities sponsored by NCQIE were a series of regional consultations, during which more than a hundred communities shared desegregation experiences. National conferences of NCQIE were significant in affecting desegregation actions of the national administration.

EPILOGUE

Because public school segregation continues to increase (despite the 1954 Supreme Court *Brown* decision and the decisions that followed),[96] school desegregation plans must be implemented that will move public school districts closer to the achievement of quality integrated education. Teachers and their associations can play a critical role in designing those plans and in attaining their goals.

Teachers and their associations must not remain inactive in school desegregation processes. Individuals and associations can be involved constructively at many levels in planning for and implementing desegregation: in classrooms, in local and national association activities, and in cooperative activities with other groups.

To become actively involved, teacher associations need good advice and assistance. Unfortunately, technical assistance from Federal agencies is difficult for local organizations to obtain.[97] Agency personnel, with few notable exceptions, are reluctant to work directly with teachers and their associations on school problems occasioned by school desegregation—without prior support or the approval of the chief administrator of the district. Federal agencies may wish to avoid alienation of school superintendents, sponsoring universities, or state officials that might be engendered by working directly with local associations to bring about change, even when that change is mandated as part of the program of the agency. In some instances, participation is prohibited by agency regulations.

It is precisely because local associations have such difficulty getting assistance from official agencies that coalitions are so important to desegregation strategy. Local associations that are part of national organizations can often exercise significant influence through national organization staff.

Local associations may increase the possibility of obtaining funds, technical assistance, and legal services for school desegregation purposes from Federal agencies by working with their regional or national associations.

There are signs that school desegregation efforts may be proceeding constructively. Recent actions of the courts in Columbus and Dayton, Ohio,[98] Austin and Dallas, Texas,[99] and Los Angeles, California,[100] and pending Justice Department litigation in Houston, Texas,[101] will help determine whether remedies are available to counter increasing racial and national origin isolation in our major metropolitan areas. Since teachers and their associations are on the front lines—working with students, their parents, administrators, community groups, and other teachers—their active participation and support can make the difference in ensuring that desegregation will achieve its purpose. Teacher associations are cognizant of the need to treat all students and teachers fairly and equitably.

What is now needed is a new national dialogue on the components of quality integrated education. Teachers and their associations can make important contributions to this dialogue. It is suggested that teachers and their associations can contribute to the need for quality integrated education by becoming involved in the following areas:

- *Improvement of desegregation policy formulation and implementation as it affects the teaching profession.* Desegregation policy influences teaching in many ways. For example, desegregation policy can influence the general and specific contexts of teaching, teaching roles and how these roles are interpreted and carried out, and teacher assignments to desegregated schools. Teachers and their

associations can help to identify problems and suggest solutions in planning for the effective implementation of Federal and state desegregation mandates.

- *Improvement of practice.* Teachers and their associations can be of particular help in improving the practice of their trade in desegregated schools by examining effective practice in a number of areas: instructional and management practices; socialization practices; curriculum development; inservice education and professional development; textbooks and learning materials; and testing and grouping practices.
- *Information and technical assistance.* Teachers and their associations can examine ways in which they can receive and impart accurate information and quality technical assistance in desegregated settings.

NOTES

1. Experiences in large numbers of public school districts have demonstrated this point, as have desegregation experts such as Meyer Weinberg, Thomas Pettigrew, Robert Crain, Gordon Foster, Gary Orfield, and others.

2. Areas in which this point has been illustrated include Flint, Michigan; San Diego, California; Seattle, Washington; and Columbus, Ohio.

3. Based on the author's experience.

4. See, for example, Meyer Weinberg's 16-year collection of school desegregation research materials and references located at the University of Massachusetts.

5. Chesler, Mark, et al. *Desegregation/Integration: Planning for School Change: A Training Program for Intergroup Educators.* Washington, D.C.: National Education Association, 1974.

6. Noar, Gertrude. *The Teacher and Integration* (revised edition). Washington, D.C.: National Education Association, 1974.

7. Levinsohn, Florence H., and Benjamin D. Wright (eds). *School Desegregation: Shadow and Substance.* Chicago: The University of Chicago Press, 1976; Bosma, Boyd, "Racial Discrimination Against Teachers," *Integrated Education,* Jan.-Feb. 1972; Bosma, Boyd, "The Role of Teachers in School Desegregation," *Integrated Education,* Nov.-Dec. 1977; Bosma, Boyd, "The Role of Teachers in Metropolitan School Desegregation," *School Desegregation in Metropolitan Areas: Choices and Prospects,* Washington, D.C.: National Institute of Education, 1977.

8. *Brown v. Board of Education of Topeka, Kansas, et al.,* 347 U.S. 493, 1954.

9. Perry, Thelma, D. *History of the American Teachers Association.* Washington, D.C.: National Education Association, 1975.

10. Histories of each of the former predominantly black teachers associations have been or are currently being prepared by the National Education Association under the direction of Samuel Ethridge.

11. *Brown v. Board of Education of Topeka, Kansas, et al.,* 347 U.S. 493, 1954.

12. *Plessy v. Ferguson,* 163 U.S. 537, 16 S. Ct. 1138, 1896.

13. *Brown v. Board of Education,* 439 U.S. 294, 1955.

14. The final step in dismantling dual school systems did not occur until *Alexander v. Holmes* (396 U.S. 19, 1969), which covered school districts in Mississippi and Louisiana, in October 1969.

15. Although relatively little desegregation took place before 1965, desegregation took the form of closing small rural black schools in the Border States. Not until 1965 did it become possible to systematically document additional patterns of black educator displacements. See *Task Force Survey of Teacher Displacement in Seventeen States,* Washington, D.C.: National Education Association, 1965.

16. This pattern is described by Samuel B. Ethridge in "Brown v. Board of Education: Twenty Years Later," *Education for an Open Society,* Washington, D.C.: Association for Supervisors and Curriculum Developers 1974 Yearbook, pp. 21-22.

17. Numerous court cases were filed in the South wherein school administrators argued this point. The first significant victory on this issue was in *Franklin v. County School Board of Giles County, Virginia,* 360 F. 2d 325, 1966.

18. Throughout the entire period of displacement, a very low proportion of teachers actually filed complaints. This fact has been attributed to numerous causes, but it has been my experience that fear of reprisal was the most prominent. Since school districts did not keep employment records on the basis of race until after 1964 (nor were they required to do so), no accurate data are available.

19. The gross human impact on black teachers was brought forcefully home to me through the many discussions and interviews with teachers association members in the South during this time. A common practice with married teachers was to hold positions in separate districts in the event that one or the other became the object of racial discrimination or retribution. I know of several couples who would travel between 65 and 90 miles one way in order to maintain their jobs, and, in some cases, they would be together only on weekends.

20. James, J.C., "The Black Principal: Another Vanishing American," *The New Republic,* September 26, 1970, p. 18.

21. These are the principal reasons for not reporting racially discriminatory dismissals cited to me during investigations of dismissal cases.

22. *Task Force Survey of Teacher Displacement in Seventeen States.* Washington, D.C.: National Education Association, 1965, p. 41.

23. Ibid., p. 27.

24. The establishment in 1965 of the Subcommittee on Civil Rights and Human Rights in Education, under the direction of Samuel B. Ethridge and within the NEA Commission on Professional Rights and Responsibilities, heralded the beginning of organized efforts to battle discrimination on the basis of race. Among the various organizational approaches taken by the NEA to change the course of events were: liaison and intervention with Federal agency officials, most notably those in HEW/OCR and the Justice Department, to obtain enforcement of the Civil Rights Act or seek modification and reform of enforcement standards and guidelines; support of efforts to merge formerly separate local and state teacher associations; development of support mechanisms within local and state teacher associations (e.g., training in human relations, provision of technical assistance, program development, and cooperative forums); investigations and publicizing of data and information on the nature and extent of problems through the NEA Commission on Professional Rights and Responsibilities; liaison and cooperation with other local, state, and national organizations in providing assistance in such areas as academic freedom, privacy rights, students, and other areas to supplement regular association programs; and efforts to provide direct legal assistance to besieged black educators.

25. *Franklin v. County School Board of Giles County, Virginia,* 360 F. 2d 325, 1966.

26. *Johnson v. Branch,* 354 F. 2d 177, 1966.

27. *United States v. Jefferson County Board of Education,* 372 F. 2d 836 (5th Cir., 1966), affirmed en banc 380 F. 2d 385, 1967.

28. *Monroe v. Board of School Commissioners of the City of Jackson, Tennessee,* 38 S. Ct. 1700, 1968.

29. *Lee v. Macon County Board of Education,* 292 F. Supp. 363 (N.D. Ala., 1968).

30. These letters and others are part of my confidential personal files.

31. *Singleton v. Jackson Municipal Separate School District,* 419 F. 2d 1218, 1969, en banc.

32. Ibid., 1969.

33. Ibid., 1969.

34. These cases are a part of my experiences, and information on them is in my personal files.

35. Pottinger, J. Stanley. *Nondiscrimination in Elementary and Secondary School Staffing Practices.* Washington, D.C.: HEW Office for Civil Rights, January 14, 1971.

36. A working relationship was established by the NEA with the HEW/OCR that led to the first guideline enforcement in support of the rights of displaced teachers and principals and to expansion of data collection efforts regarding racial and ethnic information relating to teacher and principal assignments. In spite of the Nixon Administration's resistance to busing and a general slowdown in desegregation enforcement efforts, particularly by the Justice Department, many were surprised at the emergence of positive leadership under two successive directors of HEW/OCR (Panetta and Pottinger), especially in the midst of increasingly regressive policy stances by Administration leaders. Panetta was dismissed after slightly more than a year in office, shortly after he approved the initiation of action against Wichita. Pottinger was to move cautiously but effectively in the position, later earning the respect of civil rights supporters for his courage as Assistant Attorney General in charge of the Justice Department's Civil Rights Division after 1973.

37. *Emergency School Aid Act, 1972,* P.L. 92-318, 20 USC 1600 et seq.

38. *Task Force Survey of Teacher Displacement in Seventeen States.* Washington, D.C.: National Education Association, 1965.

39. The NEA closely monitored this association action against the NTE. At the 1966 NEA convention in Miami Beach, Florida, I assisted Don Pierce, then with the Dade County Classroom Teachers Association, in preparing NEA's first resolution statement against the NTE. The resolution was adopted. See Resolution 66-11 (Evaluation and Subjective Ratings), *NEA Proceedings,* 1966, p. 471.

40. *Carter v. School Board of West Feliciana Parish,* 432 F. 2d 875, 1970.

41. *United States v. North Carolina,* CA no. 4476 (EDNC, August 27, 1975).

42. *National Education Association v. South Carolina,* USDC FEP cases, 1976.

43. Ibid., 1976.

44. It is important to note that the displacement of black educators as a result of school desegregation has not yet ended. Although dismissals and demotions were sharply reduced from 1973, even more severe reductions in the minority work force have occurred as a result of attrition, disproportional hiring and promotion of minority educators, and state and local policies and practices (such as the NTE requirements leading to disproportional certification).

45. *Keyes v. School District No. 1, Denver,* 93 S. Ct. 268, 1973.

46. *Adams v. Richardson,* 351 F. Supp. 636 (DC, 1972).

47. California enacted compulsory negotiations legislation in 1976.

48. There are now state public employee bargaining laws affecting public school teachers in 31 states. (See "State Public Employee Collective Bargaining Laws Affecting Education," NEA Affiliate Services, 1980.)

49. As a general rule, any union may be named as a co-defendant in cases in which contract provisions are discriminatory. Constitutional law and court orders supersede negotiated contract terms.

50. Based on interviews with teacher leaders in the Los Angeles Unified School District at the time when the teacher transfer plan was being negotiated, and on analysis of the effects of the transfer plan when instituted.

51. This resolution was negotiated during the spring of 1976. It included four sections: a cover letter of board policy and intent, signed by the superintendent and board president; a voluntary teacher assignment survey of all district teachers; a memorandum of understanding, with rules for voluntary and involuntary assignment of staff; and an agreement with respect to maintenance of standards in assignments and recruitments. Copies of the Davenport plan are available through the Davenport Education Association.

52. Interviews and discussions with that local teacher association's members, January through June 1977.

53. Interviews and discussions with teacher association members in Fort Wayne, Indiana, January through April 1978.

54. School board action in the spring of 1978. See Board minutes, Youngstown School Board, Spring 1978.

55. *Desegregation Guidelines for Local and State Education Associations.* Washington, D.C.: National Education Association, 1974, p. 7 (revised, May 1980, pp. 13-14).

56. American Federation of Teachers, AFL-CIO. The AFT Resolution on Faculty Integration adopted in August 1976 states, in part: "Transfer policies must consider seniority in creating options for staff to move from one school to another, and no teacher should be transferred by means of a lottery."

57. *Desegregation Guidelines for Local and State Education Associations.* Washington, D.C.: National Education Association, 1974, pp. 13-14 (revised, May 1980).

58. This position was articulated by me and other NEA staff at the various negotiation meetings held with Panetta and Pottinger.

59. Repeated experiences in districts in every segment of the country have demonstrated these advantages of objective seniority standards over alternative methods for determining faculty assignments.

60. A major problem for teachers assigned to federally funded programs is that they often are regarded by school administrators as "removed" from regular teacher ranks. There may be a resultant loss of job rights, including seniority status. NEA has established in courts that certified teachers in federally funded programs do have the same rights as any other certified faculty.

61. Selections for reassignment or retention based on favoritism or control are particularly damaging to staff morale and work against the education needs of children. The roles of both teachers and administrators are easier if objective standards are used to determine faculty reassignments or retentions.

62. Suppose, for example, that a school has a 90 percent minority student body and 60 percent minority teachers. The district proportions, however, are 30 percent minority student body and 15 percent minority teachers. Under the *Singleton* rule, the school may no longer have more than 20 percent minority faculty. This necessitates the immediate transfer of two-thirds of all the minority teachers in the building (who comprise 40 percent of the teaching staff). Some of these teachers will have had substantial teaching experience, but unless the court order or the HEW agreement stipulates otherwise, the district may be free to replace them with new or first-year nonminority teachers.

63. *Mandatory Staff Integration Proposal.* Los Angeles: United Teachers of Los Angeles, May 23, 1977.

64. In a number of large cities, including New York, Minneapolis, and Seattle, teachers have been suffering the effects of RIFs. Although declining in total enrollments, these cities have had increasing minority student bodies. The period of expansion for minority faculty was in the late 1960's and early 1970's. In the absence of some form of special treatment, they have not built up sufficient seniority to withstand the effects of the current RIF movement.

65. I am aware of only these two practical solutions. The most common practice is to have separate seniority lists.

66. *Oliver v. Kalamazoo Board of Education,* 346 F. Supp. 766, 1972.

67. School districts are required to provide student and teacher data on race and national origin characteristics to Federal agencies. If a district has schools in which proportions of minority students and teachers are each more than double the district average, reassignment of staff under the *Singleton* standard is likely to be required.

68. *Adams v. Richardson,* 351 F. Supp. 636 (DC, 1972); *Brown v. Weinberger,* 417 F. 2d 1215 (DDC, 1976).

69. Federal policy has generally been to defer action on student desegregation where there might be state enforcement practice or pending court orders. As a result, teacher desegregation has usually been treated as a separate phenomenon. This has occurred in a large number of desegregating school districts, particularly since 1975.

70. Congress has repeatedly attempted to pass antibusing measures. Antibusing measures have curtailed OCR enforcement of student desegregation while faculty have continued to be transferred. Comprehensive desegregation planning has not been encouraged. I am not aware of any court order where student desegregation has been required directly as a result of discriminatory faculty assignment practices.

71. These principles have been developed over the years as a result of my involvement in teacher transfer practices occasioned by school desegregation.

72. *Singleton v. Jackson Municipal Separate School District,* 419 F. 2d 1218, 1969, en banc.

73. This is a standard usually applied under Title VI of the Civil Rights Act of 1964. An alternative standard, known as the "75-125% Ratio," is applied in districts receiving ESAA funds. In this case, the proportion of minority teachers in each building must fall within 75 percent to 125 percent of the proportion of minority teachers in the district as a whole. The application of these standards has an impact on faculty only, and it has no relationship to the proportion of minority students in individual school buildings or in the district as a whole. Either standard is known as the "Singleton Ratio."

74. *Kelsey v. Weinberger,* 498 F. 2d 701 (DC CCA, 1974).

75. *Adams v. Richardson,* 351 F. Supp. 636 (DC, 1972).

76. *Brown v. Weinberger,* 417 F. 2d 1215 (DDC, 1976).

77. This statement is based on my personal experiences. The alternative is a response based on apathy or hostility. In these cases, teachers have usually become victims of rather than participants in the change process.

78. I have experienced these results in the conduct of numerous desegregation workshops and observations of many school district inservice training workshops.

79. Observations and discussions with Memphis teachers who were participants in the inservice training program.

80. I have observed the advantageous effects of teacher association sponsorship of inservice training programs in desegregating settings.

81. See "Desegregation Inservice Training: A Resource Packet for Education Association Leaders," Boyd Bosma, National Education Association, 1976.

82. This statement is based on my personal experiences. The alternative is a response based on apathy or hostility. In these cases, teachers have usually become victims of rather than participants in the change process.

83. I have used these strategies in assisting teacher association members to become involved constructively in the desegregation process in their own school districts.

84. See Fort Wayne Education Association news release dated April 1, 1977. Great care must be taken to assure constructive approaches rather than destructive conflict.

85. See, for example: *1977 Student Desegregation Statement of the STA Executive Board.* Seattle: Seattle Teachers Association, 1977; *The United Teachers of Flint Policy Statement on School Desegregation.* Flint, Michigan: United Teachers of Flint, November 10, 1975; *Proposed Guidelines for UFT Support in the Flint Community School Desegregation Plan.* Flint, Michigan: United Teachers of Flint, 1976; resolution adopted by the Representative Council, NEA-Wichita, Wichita, Kansas, December 15, 1969; *Philosophy of the North Side United Educators Task Force on Desegregation Legislation. Milwaukee:* North Side Educators, adopted October 8, 1975; *Mandatory and Desirable Criteria for Desegregation Planning.* Milwaukee: North Side Educators, adopted October 23, 1975; resolution adopted by Ohio Education Association Executive Committee, October 19-20, 1973, reported in "OEA Adopts Desegregation Policy," *Ohio Schools,* November 9, 1973, pp. 8-9, 31-32; National Education Association resolution adopted in Minneapolis, July 1977; and American Federation of Teachers resolution adopted in August 1976.

86. *School Desegregation Guidelines for Local and State Education Associations.* Washington, D.C.: National Education Association, May 1980, pp. 19-21.

87. Because local teachers and administrators are often unaware of Federal and state policies, resources, and desegregation procedures, teacher associations involved in desegregation should immediately contact state or national association staff for consultation or alternative approaches to school desegregation issues.

88. A consistent problem for many local teacher associations is identifying the kinds of information they should be looking for as they begin to analyze desegregation situations and make effective decisions. Use of such information can give substance to the implementation of association goals and objectives in achieving effective teacher and student integration. Teacher associations may want to tailor their information gathering to their local situational needs.

89. *The Elementary and Secondary Civil Rights Survey: "Bureaucratic Balderdash" or the Cornerstone of Civil Rights Compliance in the Public Schools?* Washington, D.C.: Children's Defense Fund of the Washington Research Project, September 1977, p. 4.

90. See NEA files on Austin Independent School District, 1976.

91. See, for example, Shire, Donald R., "An Overview of the Teacher Organization's Participation with Other Nonprofit Organizations Toward the Achievement of Equality of Educational Opportunity in the School Desegregation Process," *Desegregation: Conflict Prevention, the Role of the Teacher.* Los Angeles: Institute for Teacher Leadership, 1977, p. 76. See also, Shire, Donald R., and Christine Kirk, *A School Community Desegregation Project: A Model to Be Implemented by Teacher Unions and Associations for Teacher In-Service Programming and Community Outreach.* Washington, D.C.: National Center for Quality Integrated Education, 1976, p. 2.

92. See *Desegregation Without Turmoil: The Role of the Multi-Racial Community Coalition in Preparing for Smooth Transition.* Cosponsored by the Community Relations Service, U.S. Department of Justice, and the National Center for Quality Integrated Education. New York: National Conference of Christians and Jews, May 19, 1976.

93. I have tested these principles throughout numerous years of working with teacher and community organizations in building and continuing ad hoc coalitions.

94. See *Desegregation Without Turmoil: The Role of the Multi-Racial Community Coalition in Preparing for Smooth Transition.* Cosponsored by the Community Relations Service, U.S. Department of Justice, and the National Center for Quality Integrated Education. New York: National Conference of Christians and Jews, May 19, 1976.

95. Ibid.

96. See, for example, *Trends in Black Segregation, 1970-1974, Vol. I* and *Trends in Hispanic Segregation, 1970-1974, Vol. II.* Washington, D.C.: National Institute of Education, 1977.

97. Technical assistance from Federal agencies charged with providing assistance is often, by regulation, limited to providing technical assistance only through the request of public school officials.

98. *Columbus Board of Education v. Penick,* 99 S. Ct. 2941, 1979, and *Dayton Board of Education v. Brinkman,* 99 S. Ct. 2971, 1979.

99. Consent decree plan adopted for the Austin Independent School District, January 3, 1980. Supreme Court dismissed Dallas Independent School District appeal on January 21, 1980, allowing the 5th Circuit Court decision (that Dallas must justify one-race schools) stand (522 F. 2d 1010, 5th Cir., 1978).

100. *Crawford v. Board of Education,* intended order of Judge Paul Egly, case no. C 822 854, May 19, 1980.

101. "Houston Wins a Round in School Bias Row," *The Washington Post,* June 11, 1980.

GLOSSARY

Affirmative Action: The initiation of efforts to provide equity or to compensate for past discrimination.

Bilingual Education: Language instruction and/or experiences involving utilization of two languages, usually English and another spoken at home by a proportion of students, with the development of fluency in each.

Bicultural Education: The combined teaching of two cultures in the same setting, usually in combination with bilingual education (viz., bilingual/bicultural education).

Busing: The transportation of students from one school or neighborhood to another in order to achieve desegregation or to bring about improved racial/ethnic balance.

Clustering: A method of combining three or more schools to facilitate desegregation and/or improve racial/ethnic balance.

Coalition: A joining together of representatives from a group of private organizations and/or public agencies for common purposes.

Compensatory Education: The provision of efforts to upgrade education and learning opportunities over and above regular school programs to compensate for past inequities or to improve learning abilities or skills of specific groups.

Consolidation: The merger of two or more school districts into a single school district, especially to provide opportunity for improved racial/ethnic balance.

Cross-district Transfers: The assignment of students and/or teachers, usually voluntary, from schools in one district to schools in another to improve racial/ethnic balance.

De Facto Segregation: Separation of students and/or faculty on the basis of race or ethnic group through practices (housing segregation, for example) that have not arisen from past official actions or policies.

De Jure Segregation: Separation of students and/or faculty arising from official actions or policies of governmental bodies or education officials.

Desegregation: The elimination of the vestiges of segregation, usually involving the reassignment of students and/or faculty to remove the prior racial/ethnic identification of schools or to compensate for past discriminatory assignment practices.

Discipline: Control of student behavior through enforcement of prescribed standards.

Discrimination: The differential treatment of individuals or groups on the basis of arbitrarily established classifications, such as racial/ethnic identification, sex, physical condition, age, or other condition.

Displacement (faculty): The elimination of minority teachers, principals, coaches, band and music directors, counselors, and other school personnel following desegregation, either through dismissals, demotions, and/or reassignments or through failure to hire equitable numbers of minority personnel to replace those leaving because of displacement, voluntary resignation or transfer, or retirement.

Freedom of Choice: The concept utilized in early desegregation plans which allowed students to attend the school of their choice, rarely resulting in effective desegregation and eventually discredited as a device to eliminate the dual system.

In-school Segregation: Segregation by racial/ethnic group within schools, most often on the basis of ability grouping and tracking programs.

Inservice Education: The provision of special learning experiences or training for teachers or other school personnel currently employed within the system, usually through required attendance at school-sponsored programs, but also including voluntary participation in college courses and in association-sponsored workshops, conferences, and seminars.

Integration: A process going beyond, but including, physical desegregation of students of different groups to ensure the maintenance of positive intergroup relationships within the school, the provision of programs to meet students' individual educational needs, and the bringing together of groups within the schools in ways which lead to improved cooperation and understanding of racial, ethnic, and cultural differences; the "making whole" of diverse groups within an institution.

Involuntary Transfer: The required reassignment of students or teachers to different schools for purposes of desegregation.

Magnet Schools: Schools, and sometimes programs within schools, designed to attract students from diverse areas and groups through the provision of special or innovative programs or areas of emphasis.

Majority-to-Minority Transfers: The process by which students enrolled in schools in which their racial or ethnic group is in the majority may choose to transfer to another school in which their group is in the minority. Such policies sometimes permit transfer in any case where the racial/ethnic balance of the affected schools will be improved.

Metropolitan Desegregation: The involvement of multiple districts in desegregation plans, usually involving central cities and suburbs in urban areas and consolidation of formerly separate school districts.

Multicultural Education: Education providing for instruction and experiences in diverse cultures, usually designed to prepare students to understand, appreciate, and participate in varying cultural settings.

National Origin Minority: A person or group whose minority status derives from national heritage, ethnic group memberships, or other group identification other than race; the term usually refers to nonblack minority groups, including persons of Hispanic and other national derivation who may be the victims of discrimination.

Open Enrollment: A school district policy permitting students to attend schools of their choice; in the absence of "majority-to-minority" provisions, usually increasing segregation within school districts.

Pushouts: As differentiated from dropouts, students who leave school or are excluded prior to graduation as a result of overt or covert actions or practices of school authorities, especially as a result of suspensions, expulsions, and other school disciplinary measures with differential effects against racial/ethnic minority group students, or as a result of the failure of the educational institution to meet students' personal or educational needs.

Quality Integrated Education: The provision of maximally effective education within desegregated and integrated schools and classrooms. Schools providing quality integrated education are usually characterized by their special efforts to achieve and/or provide: (1) bilingual/bicultural education; (2) multicultural education; (3) desegregation; (4) integration; (5) excellence in educational offerings; and (6) optimal human relations climates.

Quotas: The establishment of specific numbers or ratios of minority faculty. Used as a device to limit opportunities for some groups in the past, fixed quotas have been a major source of discrimination and are generally illegal. They are, however, often confused with affirmative action efforts, other racial preference programs in employment, and minimum minority guarantees and goals to improve opportunities.

Racial/Ethnic Balance: A condition of relative equalization of minority and nonminority attendance by students or assignment of faculty among the schools of a district.

Racial/Ethnic Minority: A group identified on the basis of racial or ethnic heritage other than the dominant racial/ethnic group in the community or the nation. Federal policy presently provides for the identification of the following racial/ethnic minorities: (1) American Indian/Alaskan Native; (2) Asian American or Pacific Islander; (3) Black/Negro; and (4) Hispanic.

Racism: The practice of assigning merit (or denying opportunity) on the basis of racial or ethnic identity.

Reassignment: The changing of a teacher's assignment within a school, usually from one subject or grade level to another.

Resegregation: The reestablishment of segregated learning conditions or educational opportunities within previously desegregated schools or districts, often as a result of changing housing patterns, white flight, or retrenchment by school officials, but also as a result of policies, practices, or procedures applied without overtly discriminatory intent but with discriminatory effects.

Second-generation Desegregation Problems: Problems relating to discrimination and resegregation which arise following the desegregation of a school or district, usually manifested by such phenomena as differential suspension rates and intergroup tensions and disruptions.

Segregation: The separation of students and/or faculty on the basis of racial or ethnic identification as a result of school policies, practices, or procedures.

Testing: The use of standardized tests, especially achievement tests, for the purpose of making decisions about students, usually with discriminatory effects against minority and low-income students and for students with language differences.

Tracking: A process of assigning students to sequential course offerings or of determining access to specific curriculums on the basis of tests or other criteria; similar to ability grouping.

Transfer: The assignment of a teacher or teachers from one school to another for the purpose of desegregation or improvement of faculty racial/ethnic balance in the affected schools.

Voluntary Transfer: The transfer of a teacher from one school to another on the basis of voluntary choice.

White Flight: The outmigration of whites from central cities to suburbs; or the loss of white students and/or faculty following desegregation through movement to other areas or through transfer to private or parochial schools.

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